

# HOUSE BILL No. 1584

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## 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:** Municipal elections in even-numbered years. Moves elections of city and town officers to even-numbered years. Repeals superseded statutes. Provides that other statutes relating to municipal elections expire January 1, 2016.

**Effective:** July 1, 2013.

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**Slager, Richardson**

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January 23, 2013, read first time and referred to Committee on Elections and Apportionment.

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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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## HOUSE BILL No. 1584

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, 2013]: 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 2013]: **Sec. 3. (a) Whenever this title, IC 33, or IC 36 refers to a  
7 primary election, the reference includes, where applicable, the  
8 2015 primary election to nominate candidates for municipal  
9 offices.**

10 **(b) Whenever this title, IC 33, or IC 36 refers to a general  
11 election, the reference includes, where applicable, the 2015 general  
12 election to elect candidates for municipal offices.**

13 **(c) This section expires January 1, 2016.**

14 SECTION 3. IC 3-5-2-33 IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2013]: Sec. 33. "Nominee" means a candidate:

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

19 (2) nominated by petition for an elected office.

20 SECTION 4. IC 3-5-2-33.3 IS ADDED TO THE INDIANA CODE  
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
22 1, 2013]: **Sec. 33.3. "Nonpresidential election year" refers to an  
23 even-numbered year that is not a presidential election year.**

24 SECTION 5. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE  
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
26 1, 2013]: **Sec. 40.4. "Presidential election year" refers to a year in  
27 which an election for electors for President of the United States is  
28 held.**

29 SECTION 6. IC 3-5-3-1 IS AMENDED TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as provided in  
31 sections 7 through 10 of this chapter, the county auditor shall pay the  
32 expenses of voter registration and for all election supplies, equipment,  
33 and expenses out of the county treasury in the manner provided by law.  
34 The county fiscal body shall make the necessary appropriations for  
35 these purposes.

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

38 (1) removing voters from the registration record under IC 3-7-43,  
39 IC 3-7-45, or IC 3-7-46; and

40 (2) performing voter list maintenance programs under IC 3-7;  
41 out of the county treasury without appropriation.

42 (c) **Except as provided in subsection (d),** registration expenses

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1 incurred by a ~~circuit court clerk or board of county voter~~ registration  
2 **office** for:

3 (1) the salaries of members of a board of registration appointed  
4 under IC 3-7-12-9;

5 (2) the salaries of chief clerks appointed under IC 3-7-12-17; and

6 (3) the salaries of assistants employed under IC 3-7-12-19;

7 may not be charged to a municipality. ~~However, the~~

8 **(d) A municipality may be charged for wages of extra persons**  
9 **employed to provide additional assistance reasonably related to the**  
10 **municipal election. This subsection expires January 1, 2016.**

11 SECTION 7. IC 3-5-3-7 IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2013]: Sec. 7. **(a)** All expenses for a municipal  
13 primary election or municipal election that is conducted by a county  
14 election board shall be allowed by the county executive and shall be  
15 paid out of the general fund of the county, without any appropriation  
16 being required. The county auditor shall certify the amount of that  
17 allowance to the fiscal officer of the municipality not later than thirty  
18 (30) days after the municipal primary or municipal election. The fiscal  
19 body of the municipality shall make the necessary appropriation to  
20 reimburse the county for the expense of the primary election or election  
21 not later than December 31 of the year in which the municipal election  
22 is conducted.

23 **(b) This section expires January 1, 2016.**

24 SECTION 8. IC 3-5-3-8 IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Except as provided in  
26 subsection (b), during the period that begins ninety (90) days before a  
27 municipal primary election and continues until the day after the  
28 following municipal election, all expenses of the primary election and  
29 election that cannot be chargeable directly to any municipality shall be  
30 apportioned as follows:

31 (1) Twenty-five percent (25%) to the county.

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

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

38 **(c) This section expires January 1, 2016.**

39 SECTION 9. IC 3-5-3-9 IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) Except as provided in  
41 subsection (c), whenever more than one (1) municipality in a county  
42 conducts a municipal primary election, the seventy-five percent (75%)

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1 of expenses that cannot be chargeable directly to any particular  
 2 municipality under section 8 of this chapter shall be apportioned to  
 3 each municipality in the same ratio that the number of voters who cast  
 4 a ballot in the municipality at the municipal primary election bears to  
 5 the total number of voters who cast a ballot in all of the municipalities  
 6 in the county at that municipal primary election.

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

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

19 **(d) This section expires January 1, 2016.**

20 SECTION 10. IC 3-5-3-10 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The county  
 22 election board shall, on a form prescribed under IC 3-6-4.1-14, itemize  
 23 all the expenses of any election for which a municipality is required to  
 24 reimburse the county.

25 **(b) This section expires January 1, 2016.**

26 SECTION 11. IC 3-5-3-11 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) Notwithstanding  
 28 section 7 of this chapter, in a year in which a town election coincides  
 29 with a general election, the county election board may not assess the  
 30 town for the cost of the election.

31 **(b) This section expires January 1, 2016.**

32 SECTION 12. IC 3-5-8-5 IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2013]: Sec. 5. Not later than thirty (30) days  
 34 before a primary ~~or~~ general ~~or~~ municipal election, the secretary of state  
 35 shall request Indiana news media to include a copy of the voter's bill of  
 36 rights as part of election coverage or in public service announcements.

37 SECTION 13. IC 3-6-4.2-14, AS AMENDED BY P.L.120-2009,  
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2013]: Sec. 14. (a) Each year in which a general ~~or~~ municipal  
 40 election is held, the election division shall call a meeting of all the  
 41 members of the county election boards and the boards of registration  
 42 to instruct them as to their duties under this title and federal law

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1 (including HAVA and NVRA). The election division may, but is not  
 2 required to, call a meeting under this section during a year in which a  
 3 general ~~or a municipal~~ election is not held.

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

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

9 (1) may conduct the meeting before the first day of the year; and

10 (2) shall conduct the meeting before primary election day.

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

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

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

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

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

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

29 SECTION 14. IC 3-6-5-17 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) Each county  
 31 election board shall submit a report to the election division after each  
 32 primary, special, ~~municipal~~, and general election describing the  
 33 activities of the board during the previous year. The board shall include  
 34 the following in the report:

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

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

42 (3) Any additional information relating to elections that the

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1 commission prescribes.

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

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

8 SECTION 15. IC 3-6-5-28 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 28. (a) The sheriff of  
10 a county, for a general election, ~~and the chief law enforcement officer~~  
11 ~~of a municipality, for a municipal election,~~ shall serve all processes  
12 issued by a county election board.

13 **(b) The chief law enforcement officer of a municipality shall**  
14 **serve all processes issued by a county election board for the 2015**  
15 **municipal election. This subsection expires January 1, 2016.**

16 SECTION 16. IC 3-6-5-33 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 33. ~~The county sheriff,~~  
18 ~~the chief law enforcement officer of a municipality within the county,~~  
19 ~~and other~~ All law enforcement officers shall assist a county election  
20 board, upon request, in the enforcement of the election laws and the  
21 discharge of its duties, including the use of police radio and telephone  
22 service on election days.

23 SECTION 17. IC 3-6-6-27 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 27. (a) **Except as**  
25 **provided in subsection (b),** the county executive shall fix the  
26 compensation paid under sections 25 and 26 of this chapter for all  
27 elections. ~~except municipal elections held by towns under IC 3-10-7.~~

28 **(b) This subsection applies to municipal elections held in 2015.**  
29 The fiscal body of a town holding a municipal election under IC 3-10-7  
30 shall fix the compensation paid under sections 25 and 26 of this  
31 chapter. **This subsection expires January 1, 2016.**

32 SECTION 18. IC 3-6-8-4, AS AMENDED BY P.L.221-2005,  
33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2013]: Sec. 4. A watcher appointed under this chapter is  
35 entitled to **do the following:**

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

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1 (5) Witness the calling and recording of the votes and any other  
 2 proceedings of the precinct election officers in the performance  
 3 of official duties.

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

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

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

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

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

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

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

21 SECTION 19. IC 3-6-9-1 IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) If:

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

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

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

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

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

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1 (c) If the candidates signing the statement are candidates for  
 2 nomination at a municipal primary election, the written statement shall  
 3 be filed with the circuit court clerk of the county that contains the  
 4 greatest percentage of the population of the election district. **This**  
 5 **subsection expires January 1, 2016.**

6 SECTION 20. IC 3-6-9-4 IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) An attorney-in-fact  
 8 designated under section 2 of this chapter shall file with the circuit  
 9 court clerk the names of the voters of the county ~~or municipality~~ who  
 10 are to act as watchers in the precincts designated in the written  
 11 statement.

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

14 (c) A watcher designated under this section:

15 (1) may not be a candidate to be voted for at the election, except  
 16 as an unopposed candidate for precinct committeeman or state  
 17 convention delegate; and

18 (2) must be a registered voter of the county.

19 SECTION 21. IC 3-7-13-1 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A person who:

21 (1) will be at least eighteen (18) years of age at the next general  
 22 ~~municipal~~; or special election;

23 (2) is a United States citizen; and

24 (3) resides in a precinct continuously before a general ~~municipal~~;  
 25 or special election for at least thirty (30) days;

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

28 (b) **This subsection applies to the 2015 municipal election. A**  
 29 **person who:**

30 (1) **will be at least eighteen (18) years of age on November 3,**  
 31 **2015;**

32 (2) **is a United States citizen; and**

33 (3) **resides in a precinct continuously before November 3,**  
 34 **2015, for at least thirty (30) days;**

35 **may, upon making a proper application under this article, register**  
 36 **to vote in that precinct. This subsection expires January 1, 2016.**

37 SECTION 22. IC 3-7-13-2 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A person who ~~on the~~  
 39 ~~day of the next general, municipal, or special election~~; will meet the  
 40 age and residency requirements of section 1 of this chapter may register  
 41 and vote in the primary election.

42 SECTION 23. IC 3-7-13-3 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) This section  
2 applies to a person who:

- 3 (1) ~~on the day of the next general, municipal, or special election;~~  
4 will meet the age and residency requirements of section 1 of this  
5 chapter; and  
6 (2) does not meet the age or residency requirements on primary  
7 election day.

8 (b) A person described in subsection (a) may not cast a ballot:

- 9 (1) for candidates for:  
10 (A) elected offices;  
11 (B) precinct committeeman; or  
12 (C) state convention delegate; or  
13 (2) on public questions;

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

15 SECTION 24. IC 3-7-13-10 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The registration  
17 period begins December 1 of each year (or the first Monday in  
18 December if December 1 falls on a Saturday or Sunday).

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

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

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

28 SECTION 25. IC 3-7-14-10 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. If an individual is  
30 registering to vote after the twenty-ninth day before the date that a  
31 primary, general, ~~municipal~~, or special election is scheduled in the  
32 precinct where the voter resides, the employee of the bureau of motor  
33 vehicles commission who provides an individual with a driver's license  
34 or an identification card application shall do the following:

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

39 SECTION 26. IC 3-7-15-10 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. If an individual is  
41 registering to vote after the twenty-ninth day before the date that a  
42 primary, general, ~~municipal~~, or special election is scheduled in the

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1 precinct where the voter resides, the employee of the office who  
2 provides an individual with an application for assistance or services  
3 under section 3 of this chapter shall do the following:

- 4 (1) Inform the individual that office registration will not permit  
5 the individual to vote in the next election.
- 6 (2) Inform the individual of other procedures the individual may  
7 follow to vote in the next election.

8 SECTION 27. IC 3-7-16-17 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. If an individual is  
10 registering to vote after the twenty-ninth day before the date that a  
11 primary, general, ~~municipal~~, or special election is scheduled in the  
12 precinct where the voter resides, the employee or a volunteer of the  
13 office who provides an individual with an application for assistance or  
14 services under this chapter shall do the following:

- 15 (1) Inform the individual that office registration will not permit  
16 the individual to vote in the next election.
- 17 (2) Inform the individual of other procedures the individual may  
18 follow to vote in the next election.

19 SECTION 28. IC 3-7-16-33 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 33. The NVRA official  
21 shall notify the governing body of the agency of the following:

- 22 (1) The scheduled date of each primary, general, ~~municipal~~, and  
23 special election.
- 24 (2) The jurisdiction in which the election will be held.

25 SECTION 29. IC 3-7-18-9 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. If an individual is  
27 registering to vote after the twenty-ninth day before the date that a  
28 primary, general, ~~municipal~~, or special election is scheduled in the  
29 precinct where the voter resides, the employee or volunteer of the  
30 office who provides an individual with an application for assistance or  
31 services under this chapter shall do the following:

- 32 (1) Inform the individual that office registration will not permit  
33 the individual to vote in the next election.
- 34 (2) Inform the individual of other procedures the individual may  
35 follow to vote in the next election.

36 SECTION 30. IC 3-7-18-24 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. The NVRA official  
38 shall notify the governing body of the agency of the following:

- 39 (1) The scheduled date of each primary, general, ~~municipal~~, and  
40 special election.
- 41 (2) The jurisdiction in which the election will be held.

42 SECTION 31. IC 3-7-27-17 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) The registration  
2 record used at any municipal primary or municipal election is that part  
3 of the registration record of the county in which the municipality is  
4 located.

5 **(b) This section expires January 1, 2016.**

6 SECTION 32. IC 3-7-28-2 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) This section does  
8 not apply to confidential information included on a voter registration  
9 application.

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

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

22 SECTION 33. IC 3-7-28-3 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. Copies of all  
24 memoranda executed under this article during that part of a registration  
25 period beginning sixty-five (65) days before a primary **or** general **or**  
26 ~~municipal~~ election and ending twenty-nine (29) days before the  
27 election shall be forwarded daily and within forty-eight (48) hours of  
28 the date on which the memoranda were originally made to the  
29 following upon request:

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

37 SECTION 34. IC 3-7-38.2-2, AS AMENDED BY P.L.1-2007,  
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2013]: Sec. 2. (a) A voter list maintenance program conducted  
40 under this chapter must:

- 41 (1) be uniform, nondiscriminatory, and in compliance with the  
42 Voting Rights Act of 1965 (42 U.S.C. 1973);

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1 (2) not result in the removal of the name of a person from the  
 2 official list of voters solely due to the person's failure to vote; and  
 3 (3) be completed not later than ninety (90) days before a primary  
 4 or general or municipal election.

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

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

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

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

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

- 25 (1) be sent by first class United States mail, postage prepaid, by  
 26 a method that requires the notice to be forwarded to the voter; and  
 27 (2) include a postage prepaid return card that:  
 28 (A) is addressed to the county voter registration office;  
 29 (B) states a date by which the card must be returned or the  
 30 voter's registration will become inactive until the information  
 31 is provided to the county voter registration office; and  
 32 (C) permits the voter to provide the voter's current residence  
 33 address.

34 (e) If a voter returns the card described in subsection (d)(2) and  
 35 provides a current residence address that establishes that the voter  
 36 resides:

- 37 (1) in the county, the county voter registration office shall update  
 38 the voter's registration record; or  
 39 (2) outside the county, the county voter registration office shall  
 40 cancel the voter's registration.

41 (f) If a voter does not return the card described in subsection (d)(2)  
 42 by the date specified in subsection (d)(2)(B), the county voter

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1 registration office shall indicate in the voter's registration record that  
 2 the voter's registration is inactive.

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

6 (1) The date the county voter registration office updates or  
 7 cancels the voter's registration under subsection (e) after the voter  
 8 provides a current residence address.

9 (2) The day after the second general election in which the voter  
 10 has not voted or appeared to vote.

11 (h) After the date described in subsection (g)(2), the county voter  
 12 registration office shall remove the voter's registration from the voter  
 13 registration records.

14 SECTION 35. IC 3-7-38.2-3, AS AMENDED BY P.L.164-2006,  
 15 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2013]: Sec. 3. As provided under 42 U.S.C.  
 17 1973gg-6(c)(2)(B)(i), this chapter does not prevent the removal of a  
 18 voter's name from the voter registration record during the final ninety  
 19 (90) day period before a primary ~~or~~ general ~~or municipal~~ election due  
 20 to any of the following in accordance with this article:

21 (1) The written request of the voter.

22 (2) Disenfranchisement due to criminal conviction and  
 23 incarceration.

24 (3) The death of the voter.

25 SECTION 36. IC 3-8-1-1.7 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.7. As used in this  
 27 chapter, "before the election" refers to a general ~~municipal~~, or special  
 28 election.

29 SECTION 37. IC 3-8-1-5.5 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.5. (a) Except as  
 31 provided in IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a  
 32 ticket, a person who:

33 (1) is defeated in a primary election;

34 (2) appears as a candidate for nomination at a convention and is  
 35 defeated;

36 (3) files a declaration of candidacy for nomination by a ~~county~~,  
 37 ~~city~~, or ~~town~~ convention and is defeated; or

38 (4) files a declaration of candidacy for nomination by a caucus  
 39 conducted under IC 3-13-1 or IC 3-13-2 and is defeated;

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

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

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1 (1) a candidate for an at-large seat on a fiscal body is considered  
 2 a candidate for the same office as a candidate for a district seat on  
 3 a fiscal body; and

4 (2) a candidate for United States representative from a district in  
 5 Indiana is considered a candidate for the same office as a  
 6 candidate for any other congressional district in Indiana.

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

9 SECTION 38. IC 3-8-2-2.5 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.5. (a) A person who  
 11 desires to be a write-in candidate for a federal, state, legislative, or  
 12 local office or school board office in a general ~~municipal~~, or school  
 13 board election must file a declaration of intent to be a write-in  
 14 candidate with the officer with whom declaration of candidacy must be  
 15 filed under sections 5 and 6 of this chapter.

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

19 (1) The candidate's name must be printed or typewritten as:

20 (A) the candidate wants the candidate's name to be certified;  
 21 and

22 (B) the candidate's name is permitted to appear under IC 3-5-7.

23 (2) A statement that the candidate is a registered voter and the  
 24 location of the candidate's precinct and township (or ward and  
 25 city or town), county, and state.

26 (3) The candidate's complete residence address, and if the  
 27 candidate's mailing address is different from the residence  
 28 address, the mailing address.

29 (4) The candidate's party affiliation or a statement that the  
 30 candidate is an independent candidate (not affiliated with any  
 31 party). For purposes of this subdivision, a candidate is affiliated  
 32 with a political party only if the candidate satisfies section 7(a)(4)  
 33 of this chapter.

34 (5) A statement of the candidate's intention to be a write-in  
 35 candidate, the name of the office, including the district, and the  
 36 date and type of election.

37 (6) If the candidate is a candidate for the office of President or  
 38 Vice President of the United States, a statement declaring the  
 39 names of the individuals who have consented and are eligible to  
 40 be the candidate's candidates for presidential electors.

41 (7) A statement that the candidate:

42 (A) is aware of the provisions of IC 3-9 regarding campaign

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- 1 finance and the reporting of campaign contributions and
- 2 expenditures; and
- 3 (B) agrees to comply with the provisions of IC 3-9.
- 4 The candidate must separately sign the statement required by this
- 5 subdivision.
- 6 (8) A statement as to whether the candidate has:
  - 7 (A) been a candidate for state or local office in a previous
  - 8 primary or general election; and
  - 9 (B) filed all reports required by IC 3-9-5-10 for all previous
  - 10 candidacies.
- 11 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
- 12 candidate has filed a campaign finance statement of organization
- 13 for the candidate's principal committee or is aware that the
- 14 candidate may be required to file a campaign finance statement of
- 15 organization not later than noon seven (7) days after the final date
- 16 to file the declaration of intent to be a write-in candidate under
- 17 section 4 of this chapter.
- 18 (10) If the candidate is subject to IC 3-9-1-5.5, a statement that
- 19 the candidate is required to file a campaign finance statement of
- 20 organization under IC 3-9 after the first of either of the following
- 21 occurs:
  - 22 (A) The candidate receives more than five hundred dollars
  - 23 (\$500) in contributions.
  - 24 (B) The candidate makes more than five hundred dollars
  - 25 (\$500) in expenditures.
- 26 (11) A statement that the candidate complies with all
- 27 requirements under the laws of Indiana to be a candidate for the
- 28 above named office, including any applicable residency
- 29 requirements, and that the candidate is not ineligible to be a
- 30 candidate due to a criminal conviction that would prohibit the
- 31 candidate from serving in the office.
- 32 (12) The candidate's signature and telephone number.
- 33 (c) At the time of filing the declaration of intent to be a write-in
- 34 candidate, the write-in candidate is considered a candidate for all
- 35 purposes.
- 36 (d) A write-in candidate must comply with the requirements under
- 37 IC 3-8-1 that apply to the office to which the write-in candidate seeks
- 38 election.
- 39 (e) A person may not be a write-in candidate in a contest for
- 40 nomination or for election to a political party office.
- 41 (f) A write-in candidate for the office of President or Vice President
- 42 of the United States must list at least one (1) candidate for presidential

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1 elector and may not list more than the total number of presidential  
2 electors to be chosen in Indiana.

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

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

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

9 (h) A declaration of intent to be a write-in candidate must include  
10 a statement that the candidate requests the name on the candidate's  
11 voter registration record be the same as the name the candidate uses on  
12 the declaration of intent to be a write-in candidate. If there is a  
13 difference between the name on the candidate's declaration of intent to  
14 be a write-in candidate and the name on the candidate's voter  
15 registration record, the officer with whom the declaration of intent to  
16 be a write-in candidate is filed shall forward the information to the  
17 ~~voter registration officer of the appropriate county~~ **voter registration**  
18 **office** as required by IC 3-5-7-6(e). The **county** voter registration  
19 **officer office** of the appropriate county shall change the name on the  
20 candidate's voter registration record to be the same as the name on the  
21 candidate's declaration of intent to be a write-in candidate.

22 SECTION 39. IC 3-8-2-2.7, AS AMENDED BY P.L.164-2006,  
23 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2013]: Sec. 2.7. (a) This subsection does not apply to a  
25 write-in candidate for school board office who is subject to section  
26 2.6(c) of this chapter. A candidate may withdraw a declaration of intent  
27 to be a write-in candidate not later than noon July 15 before a general  
28 ~~or municipal~~ election.

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

34 SECTION 40. IC 3-8-2-4, AS AMENDED BY P.L.225-2011,  
35 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2013]: Sec. 4. (a) A declaration of candidacy for a primary  
37 election must be filed not later than noon eighty-eight (88) days and not  
38 earlier than one hundred eighteen (118) days before the primary  
39 election. The declaration must be subscribed and sworn to before a  
40 person authorized to administer oaths.

41 (b) This subsection does not apply to a write-in candidate for school  
42 board office who is subject to section 2.6(c) of this chapter. A

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- 1 declaration of intent to be a write-in candidate must be filed:
- 2 (1) not earlier than the first date specified in IC 3-8-6-10(b) for
- 3 the timely filing of a petition of nomination; and
- 4 (2) not later than noon on the date specified by IC 3-13-1-15(c)
- 5 for a major political party to file a certificate of candidate
- 6 selection.

7 The declaration must be subscribed and sworn to before a person  
 8 authorized to administer oaths.

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

- 12 (1) candidacy may be filed for an office that will appear on the
- 13 primary election ballot; or
- 14 (2) intent to be a write-in candidate for an office that will appear
- 15 on the general ~~municipal~~; or school board election ballot;
- 16 that year as a result of the new tabulation of population or corrected
- 17 population count.

18 SECTION 41. IC 3-8-5-18 IS ADDED TO THE INDIANA CODE  
 19 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 20 1, 2013]: **Sec. 18. This chapter expires January 1, 2016.**

21 SECTION 42. IC 3-8-6-13.5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13.5. A candidate may  
 23 withdraw a petition of nomination by noon:

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

26 SECTION 43. IC 3-8-6-14 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) A person may  
 28 not be selected as a candidate by petition of nomination without giving  
 29 written consent and having it filed with the public official with whom  
 30 certificates and petitions of nomination are required to be filed.

31 (b) Each candidate nominated by petition of nomination must satisfy  
 32 all statutory eligibility requirements for the office for which the  
 33 candidate is nominated, including the filing of statements of economic  
 34 interest.

35 (c) All questions concerning the validity of a petition of nomination  
 36 filed with the secretary of state or contesting the denial of certification  
 37 under section 12(d) of this chapter shall be referred to and determined  
 38 by the commission. A statement questioning the validity of a petition  
 39 of nomination or contesting the denial of certification under section  
 40 12(d) of this chapter must be filed with the election division under  
 41 IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74)  
 42 days before the date on which the general ~~or municipal~~ election will be

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held for the office.

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

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

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

SECTION 44. IC 3-8-7-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25. The election division and each county election board shall have printed on the respective general ~~or special or municipal~~ election ballots the names of the following candidates:

- (1) Nominees chosen at a primary election under IC 3-10 and certified as required by this chapter.
- (2) Nominees chosen by a convention of a political party in the state whose candidate received at least two percent (2%) of the total vote cast for secretary of state at the last election and certified under section 8 of this chapter.
- (3) Nominees nominated by petition under IC 3-8-6.
- (4) Nominees selected to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2.

SECTION 45. IC 3-8-7-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 28. (a) Except as provided in subsections (b) and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or IC 3-10-1 desires to withdraw as the

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1 nominee, the nominee must file a notice of withdrawal in writing with  
 2 the public official with whom the certificate of nomination was filed by  
 3 noon:

- 4 (1) July 15 before a general ~~or municipal~~ election;
- 5 (2) August 1 before a ~~municipal an~~ election in a town subject to  
 6 IC 3-8-5-10;
- 7 (3) on the date specified for town convention nominees under  
 8 IC 3-8-5-14.5;
- 9 (4) on the date specified for declared write-in candidates under  
 10 IC 3-8-2-2.7; or
- 11 (5) forty-five (45) days before a special election.

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

16 (c) A candidate who has moved from the election district the  
 17 candidate sought to represent must file a notice of withdrawal  
 18 immediately after changing the candidate's residence. The filing  
 19 requirements of subsection (a) do not apply to a notice of withdrawal  
 20 filed under this subsection.

21 SECTION 46. IC 3-9-5-6, AS AMENDED BY P.L.164-2006,  
 22 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2013]: Sec. 6. (a) This subsection applies to a candidate's  
 24 committee other than a candidate's committee of a candidate for a state  
 25 office. Except as otherwise provided in this chapter, each committee,  
 26 the committee's treasurer, and each candidate shall complete a report  
 27 required by this chapter current and dated as of the following dates:

- 28 (1) Twenty-five (25) days before the nomination date.
- 29 (2) Twenty-five (25) days before the general ~~municipal~~, or special  
 30 election.
- 31 (3) The annual report filed and dated as required by section 10 of  
 32 this chapter.

33 (b) This subsection applies to a regular party committee. Except as  
 34 otherwise provided in this chapter, each committee and the committee's  
 35 treasurer shall complete a report required by this chapter current and  
 36 dated as of the following dates:

- 37 (1) Twenty-five (25) days before a primary election.
- 38 (2) Twenty-five (25) days before a general ~~municipal~~, or special  
 39 election.
- 40 (3) The date of the annual report filed and dated as required under  
 41 section 10 of this chapter.

42 (c) This subsection applies to a legislative caucus committee.

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1 Except as otherwise provided in this chapter, each committee and the  
 2 committee's treasurer shall complete a report required under this  
 3 chapter current and dated as of the following dates:

4 (1) Twenty-five (25) days before a primary election conducted in  
 5 an even-numbered year.

6 (2) Twenty-five (25) days before a general election conducted in  
 7 an even-numbered year.

8 (3) The date of the annual report filed and dated as required under  
 9 section 10 of this chapter.

10 A legislative caucus committee is not required to file any report  
 11 concerning the committee's activity during an odd-numbered year other  
 12 than the annual report filed and dated under section 10 of this chapter.

13 (d) This subsection applies to a political action committee. Except  
 14 as otherwise provided in this chapter, each committee and the  
 15 committee's treasurer shall complete a report required by this chapter  
 16 current and dated as of the following dates:

17 (1) Twenty-five (25) days before a primary election.

18 (2) Twenty-five (25) days before a general ~~municipal~~, or special  
 19 election.

20 (3) The date of the annual report filed and dated as required under  
 21 section 10 of this chapter.

22 (e) This subsection applies to a candidate's committee of a candidate  
 23 for a state office. A candidate's committee is not required to file a  
 24 report under section 8.2, 8.4, or 8.5 of this chapter. For a year in which  
 25 an election to the state office is held, the treasurer of a candidate's  
 26 committee shall file the following reports:

27 (1) A report covering the period from January 1 through March 31  
 28 of the year of the report. A report required by this subdivision  
 29 must be filed not later than noon April 15 of the year covered by  
 30 the report.

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

35 (3) A report covering the period from July 1 through September  
 36 30 of the year of the report. A report required by this subdivision  
 37 must be filed not later than noon October 15 of the year covered  
 38 by the report.

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

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1 (5) A report covering the period from the date that is fourteen (14)  
 2 days before the date of the election through December 31 of the  
 3 year of the report. A report required by this subdivision must:  
 4 (A) provide cumulative totals from January 1 through  
 5 December 31 of the year of the report; and  
 6 (B) be filed not later than the deadline specified in section 10  
 7 of this chapter.

8 SECTION 47. IC 3-9-5-9, AS AMENDED BY P.L.221-2005,  
 9 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2013]: Sec. 9. (a) Except as provided in subsections (b) and  
 11 (c), in a year in which a candidate is not a candidate for election to an  
 12 office to which this article applies or does not seek nomination at a  
 13 caucus or state convention for election to an office to which this article  
 14 applies, the treasurer of the candidate's committee shall file only the  
 15 report required by section 10 of this chapter.

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

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

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

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

32 (c) This subsection applies to a candidate who is required to file a  
 33 preprimary report or preconvention report under section 6 of this  
 34 chapter and who:

35 (1) is defeated at the primary election or convention; or  
 36 (2) withdraws or is disqualified as a candidate before the general  
 37 election.

38 The treasurer of a candidate's committee described by this subsection  
 39 is not required to file a pregeneral election report under section 6 of  
 40 this chapter but shall file the report required by section 10 of this  
 41 chapter.

42 (d) This subsection applies to a candidate for election to a city office

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1 or a town office. If a ~~municipal~~ primary **to nominate candidates for**  
 2 **municipal offices** is not conducted in the municipality by one (1) or  
 3 more parties authorized to conduct a primary, the candidate must file  
 4 a report in accordance with the schedule set forth in section 6 of this  
 5 chapter as if the primary were conducted. If a ~~municipal~~ **general**  
 6 **election to elect candidates for municipal offices** is not conducted in  
 7 the municipality, the candidate must file a report in accordance with  
 8 section 6 of this chapter as if the ~~municipal~~ **election for municipal**  
 9 **offices** were conducted.

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

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

18 (2) A report covering the period from July 1 through December  
 19 31 of the year of the report. A report required by this subdivision  
 20 must:

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

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

25 SECTION 48. IC 3-9-5-20.1, AS AMENDED BY P.L.221-2005,  
 26 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2013]: Sec. 20.1. (a) This section:

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

31 (2) does not apply to a candidate for a state office, the candidate's  
 32 committee, or the treasurer of the candidate's committee.

33 (b) As used in this section, "election" refers to any of the following:

34 (1) A primary election.

35 (2) A general election.

36 ~~(3) A municipal election.~~

37 ~~(4)~~ (3) A special election.

38 ~~(5)~~ (4) For candidates nominated at a state convention, the state  
 39 convention.

40 (c) As used in this section, "large contribution" means contributions:

41 (1) that total at least one thousand dollars (\$1,000); and

42 (2) that are received:

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- 1 (A) not more than twenty-five (25) days before an election;  
 2 and  
 3 (B) not less than forty-eight (48) hours before an election.
- 4 (d) The treasurer of a candidate's committee shall file a  
 5 supplemental large contribution report with the election division or a  
 6 county election board not later than forty-eight (48) hours after the  
 7 contribution is received. A candidate for a legislative office shall file  
 8 a report required by this section with the election division and the  
 9 county election board as required by section 3 of this chapter. A report  
 10 filed under this section may be filed by facsimile (fax) transmission.
- 11 (e) A report required by subsection (d) must contain the following  
 12 information for each large contribution:
- 13 (1) The name of the person making the contribution.
  - 14 (2) The address of the person making the contribution.
  - 15 (3) If the person making the contribution is an individual, the  
 16 individual's occupation.
  - 17 (4) The total amount of the contribution.
  - 18 (5) The dates and times the contributions making up the large  
 19 contribution were received by the treasurer, the candidate, or the  
 20 candidate's committee.
- 21 (f) The commission shall prescribe the form for the report required  
 22 by this section.
- 23 SECTION 49. IC 3-10-6-13 IS ADDED TO THE INDIANA CODE  
 24 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 25 **1, 2013]: Sec. 13. This chapter expires January 1, 2016.**
- 26 SECTION 50. IC 3-10-7-36 IS ADDED TO THE INDIANA CODE  
 27 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 28 **1, 2013]: Sec. 36. This chapter expires January 1, 2016.**
- 29 SECTION 51. IC 3-10-7.5 IS ADDED TO THE INDIANA CODE  
 30 AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**  
 31 **JULY 1, 2013]:**
- 32 **Chapter 7.5. Elections for Municipal Offices**
- 33 **Sec. 1. This chapter applies to an election to a municipal office**  
 34 **held after December 31, 2015.**
- 35 **Sec. 2. (a) Except as provided in section 3 of this chapter, the**  
 36 **successor of an individual elected to a municipal office at the 2015**  
 37 **municipal election shall:**
- 38 (1) be elected at the 2018 general election; and
  - 39 (2) take office January 1, 2019.
- 40 **(b) The successors of an individual elected to a municipal office**  
 41 **under subsection (a) shall:**
- 42 (1) be elected at the general election held in each

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1 nonpresidential election year;  
 2 (2) take office the following January 1; and  
 3 (3) serve a term of four (4) years.  
 4 Sec. 3. (a) The successor of an individual elected as a judge of a  
 5 city or town court at the 2015 municipal election shall:  
 6 (1) be elected at the 2020 general election; and  
 7 (2) take office January 1, 2021.  
 8 (b) The successors of an individual elected as a judge of a city or  
 9 town court under subsection (a) shall:  
 10 (1) be elected at the general election held in each presidential  
 11 election year;  
 12 (2) take office the following January 1; and  
 13 (3) serve a term of four (4) years.  
 14 Sec. 4. The successors of an individual elected to a municipal  
 15 office at the 2012 general election shall:  
 16 (1) be elected at the general election held in each presidential  
 17 election year;  
 18 (2) take office the following January 1; and  
 19 (3) serve a term of four (4) years.  
 20 Sec. 5. The successors of an individual elected to a municipal  
 21 office at the 2014 general election shall:  
 22 (1) be elected at the general election held in each  
 23 nonpresidential election year;  
 24 (2) take office the following January 1; and  
 25 (3) serve a term of four (4) years.  
 26 Sec. 6. Candidates for election to municipal offices shall be  
 27 nominated as provided in this title for candidates for other offices.  
 28 Sec. 7. (a) This section applies to each political party whose  
 29 nominee received at least ten percent (10%) of the votes cast in the  
 30 state for secretary of state at the most recent election for secretary  
 31 of state.  
 32 (b) The political party shall nominate all candidates for election  
 33 to municipal offices at a primary election as provided in IC 3-10.  
 34 Sec. 8. (a) This section applies to a political party:  
 35 (1) not qualified to conduct a primary election under IC 3-10;  
 36 and  
 37 (2) not required to nominate candidates by a petition of  
 38 nomination under IC 3-8-6.  
 39 (b) The political party may conduct a convention to nominate  
 40 candidates for municipal offices not later than noon on the date  
 41 specified by IC 3-13-1-7(a)(1) for a major political party to act to  
 42 fill a candidate vacancy.

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1           (c) The chairman and secretary of the convention shall execute  
2 and acknowledge a certificate setting forth the nominees of the  
3 convention setting out the following:

4           (1) The name of each nominee as:

5               (A) the nominee wants the nominee's name to appear on  
6 the ballot; and

7               (B) the nominee's name is permitted to appear on the  
8 ballot under IC 3-5-7.

9           (2) The residence address of each nominee.

10          (3) The office for which each nominee was nominated.

11          (4) That each nominee is legally qualified to hold office.

12          Both the chairman and secretary shall acknowledge the certificate  
13 before an officer authorized to take acknowledgment of deeds. The  
14 certificate must be filed with the circuit court clerk of the county  
15 containing the greatest percentage of population of the  
16 municipality not later than noon August 28 before the general  
17 election. The circuit court clerk shall file a copy of each certificate  
18 with the town clerk-treasurer not later than noon September 4.

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

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

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

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

41          (h) A county election board may not include the name of a  
42 candidate on the ballot if the person files a notice to withdraw with

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**the board. The notice must:**

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

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

- (1) A presidential election year, for municipal offices whose terms expire after the end of the presidential election year.**
- (2) A nonpresidential election year, for municipal offices whose terms expire after the end of the nonpresidential election year.**

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

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

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

**SECTION 52. IC 3-10-9-3, AS AMENDED BY P.L.225-2011, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. If a local public question must be certified to an election board by law, that certification must occur ~~no~~ **not** later than noon:**

- (1) seventy-four (74) days before a primary election if the public question is to be placed on the primary ~~or municipal~~ primary election 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 53. IC 3-10-11-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2013]: 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 54. IC 3-10-11-4 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2013]: 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, 2016.**

21 SECTION 55. IC 3-10-12-2 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. This chapter applies  
23 to a general, ~~municipal~~, primary, school district, and special election.

24 SECTION 56. 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, 2013]: 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, 2016.**

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 57. IC 3-11-1.5-11 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2013]: 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 58. IC 3-11-1.5-25 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2013]: 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, 2016.**

33 SECTION 59. 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, 2013]: 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, 2016.**

4 SECTION 60. IC 3-11-1.5-32 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2013]: 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, 2016.**

20 SECTION 61. IC 3-11-1.5-33 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2013]: 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, 2016.**

34 SECTION 62. IC 3-11-1.5-35, AS AMENDED BY P.L.2-2005,  
35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2013]: Sec. 35. (a) This section applies to a county that has a  
37 precinct that crosses a boundary in violation of section 4(4), 4(5), or  
38 4(6) of this chapter.

39 (b) Notwithstanding section 25 of this chapter, if the county does  
40 not issue a precinct establishment order that establishes precincts in  
41 compliance with section 4(4), 4(5), and 4(6) of this chapter by the  
42 January 31 following the last effective date described in section 25(2)

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1 **25(b)** of this chapter, the commission may issue an order establishing  
2 precincts as provided under subsection (c).

3 (c) An order issued by the commission under this section must  
4 comply with section 4(4), 4(5), and 4(6) of this chapter.

5 (d) The co-directors shall send a copy of the commission's order to  
6 the office.

7 SECTION 63. IC 3-11-4-10 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. Each circuit court  
9 clerk shall:

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

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

14 estimate the number of absentee ballots that will be required in the  
15 county for the election.

16 SECTION 64. IC 3-11-4-15, AS AMENDED BY P.L.66-2010,  
17 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2013]: Sec. 15. The absentee ballots that are prepared and  
19 printed under the direction of a county election board shall be delivered  
20 to the circuit court clerk (or the board acting under IC 3-6-5.2) at least  
21 fifty (50) days before a general, primary, ~~or special or municipal~~  
22 election.

23 SECTION 65. IC 3-11-10-26.5 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26.5. (a) This section  
25 applies to:

26 (1) ~~a~~ **the 2015** municipal election;

27 (2) ~~a the 2015~~ primary ~~conducted in a municipal election; year;~~  
28 and

29 (3) a special election conducted under IC 3-10-8.

30 (b) Notwithstanding section 26 of this chapter, a county election  
31 board (or a town election board acting under IC 3-10-7) may adopt a  
32 resolution by the unanimous vote of the board's entire membership  
33 stating that voters are entitled to vote by absentee ballot before an  
34 absentee voter board in the office of the circuit court clerk or town  
35 election board during specific days and hours identified in the  
36 resolution.

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

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

41 (2) the expense to be incurred by providing absentee ballot voting  
42 in the office during the entire period required under section 26 of

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1 this chapter; and

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

5 SECTION 66. IC 3-11-11-10 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. If an election is a  
7 general ~~or municipal~~ election and a voter desires to vote for all the  
8 candidates of one (1) political party or group of petitioners, the voter  
9 may make a voting mark on or in a large circle enclosing the device  
10 and before the name under which the candidates of the party or group  
11 of petitioners are printed. The voter's vote shall then be counted for all  
12 the candidates under that party name or for the two (2) candidates  
13 comprising an independent ticket.

14 SECTION 67. IC 3-11-11-10.5 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10.5. (a) At a primary  
16 election, a voter may not remain in the voting booth longer than three  
17 (3) minutes.

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

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

24 SECTION 68. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005,  
25 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2013]: Sec. 31.7. (a) This section is enacted to comply with  
27 42 U.S.C. 15481 by establishing uniform and nondiscriminatory  
28 standards to define what constitutes a vote on an optical scan voting  
29 system.

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

33 (1) the candidates for whom the voter desires to vote by marking  
34 the connectable arrows, circles, ovals, or squares immediately  
35 beside:

36 (A) the candidates' names; or

37 (B) the numbers referring to the candidates; and

38 (2) the voter's preference on each public question by marking the  
39 connectable arrow, oval, or square beside:

40 (A) the word "yes" or "no" under the question; or

41 (B) the number referring to the word "yes" or "no" on the  
42 ballot.

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1 (c) If an election is a general ~~or municipal~~ election and a voter  
 2 desires to vote for all the candidates of one (1) political party or  
 3 independent ticket (described in IC 3-11-2-6), the voter may mark:

4 (1) the circle enclosing the device; or

5 (2) the connectable arrow, circle, oval, or square described in  
 6 section 11 of this chapter;

7 that designates the candidates of that political party or independent  
 8 ticket (described in IC 3-11-2-6). The voter's vote shall then be counted  
 9 for all the candidates of that political party or included in the  
 10 independent ticket (described in IC 3-11-2-6). However, if the voter  
 11 marks the circle, arrow, oval, or square of an independent ticket  
 12 (described in IC 3-11-2-6), the vote shall not be counted for any other  
 13 independent candidate on the ballot.

14 SECTION 69. IC 3-11-13-32.5 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32.5. (a) At a primary  
 16 election, a voter may not remain in the voting booth or compartment  
 17 longer than three (3) minutes.

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

21 (c) If a voter refuses to leave a voting booth or compartment after  
 22 the lapse of the time provided under subsection (a) or (b), the precinct  
 23 election board, or the election sheriff or sheriffs upon the order of the  
 24 board, shall immediately remove the voter from the booth or  
 25 compartment.

26 SECTION 70. IC 3-11-13-42 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 42. (a) If a county has  
 28 procured ballot card voting systems for use, the ballot card voting  
 29 systems may be used at a municipal election. If there are not sufficient  
 30 ballot card voting systems on hand for each precinct of the  
 31 municipality, the county election board shall determine in what  
 32 precincts ballot card voting systems will be used at the election.

33 **(b) This section expires January 1, 2016.**

34 SECTION 71. IC 3-11-13-43 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 43. (a) If ballot card  
 36 voting systems are used in a municipal election, the county election  
 37 board shall furnish to the municipality:

38 (1) the requisite number of ballot card voting systems; and

39 (2) all the furniture and appliances that go with the ballot card  
 40 voting systems.

41 (b) However, the municipality shall pay the expenses of moving the  
 42 ballot card voting systems and furniture to and from the polls and also

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1 for any damage or loss to the ballot card voting systems or furniture.

2 **(c) This section expires January 1, 2016.**

3 SECTION 72. IC 3-11-14-23, AS AMENDED BY P.L.164-2006,  
4 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2013]: Sec. 23. (a) This section is enacted to  
6 comply with 42 U.S.C. 15481 by establishing uniform and  
7 nondiscriminatory standards to define what constitutes a vote on an  
8 electronic voting system.

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

13 (1) the candidates for whom the voter desires to vote by touching  
14 a device on or in the squares immediately above the candidates'  
15 names;

16 (2) if the voter intends to cast a write-in vote, a write-in vote by  
17 touching a device on or in the square immediately below the  
18 candidates' names and printing the name of the candidate in the  
19 window provided for write-in voting; and

20 (3) the voter's preference on each public question by touching a  
21 device above the word "yes" or "no" under the question.

22 (c) If an election is a general or ~~municipal~~ election and a voter  
23 desires to vote for all the candidates of one (1) political party or group  
24 of petitioners, the voter may cast a straight party ticket by touching that  
25 party's device. The voter's vote shall then be counted for all the  
26 candidates under that name. However, if the voter casts a vote by  
27 touching the circle of an independent ticket comprised of two (2)  
28 candidates, the vote shall not be counted for any other independent  
29 candidate on the ballot.

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

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

34 (2) provided the opportunity to change the ballot or correct any  
35 error in a private and independent manner before the ballot is cast  
36 and counted, including the opportunity to receive a replacement  
37 ballot if the voter is otherwise unable to change or correct the  
38 ballot; and

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

42 SECTION 73. IC 3-11-14-27 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 27. At a general  
 2 ~~municipal~~, or special election, a voter may not remain in the voting  
 3 booth longer than two (2) minutes.

4 SECTION 74. IC 3-11-14-33 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 33. (a) If a county has  
 6 procured electronic voting systems for use, the systems may be used at  
 7 a municipal election. If there are not sufficient systems on hand for  
 8 each precinct of the municipality, the county election board shall  
 9 determine in what precincts systems will be used at the election.

10 **(b) This section expires January 1, 2016.**

11 SECTION 75. IC 3-11-14-34 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 34. (a) If electronic  
 13 voting systems are used in a municipal election, the county election  
 14 board shall furnish to the municipality:

15 (1) the requisite number of systems; and

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

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

20 **(c) This section expires January 1, 2016.**

21 SECTION 76. IC 3-11.7-1-4 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. Each circuit court  
 23 clerk shall:

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

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

28 estimate the number of provisional ballots that will be required in the  
 29 county for the election.

30 SECTION 77. IC 3-11.7-1-6 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) All provisional  
 32 ballots shall be prepared and printed under the direction of each county  
 33 election board.

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

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

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

42 (1) forty-five (45) days before a general ~~or primary or municipal~~

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1 election; or

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

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

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

14 SECTION 78. IC 3-12-9-1, AS AMENDED BY P.L.230-2005,  
15 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2013]: Sec. 1. (a) Whenever a tie vote at an election for:

17 (1) a federal office;

18 (2) a state office (other than governor and lieutenant governor);

19 or

20 (3) a legislative office;

21 occurs, a special election shall be held.

22 (b) Whenever a tie vote occurs at a primary election for the  
23 nomination of a candidate to be voted for at the general ~~or municipal~~  
24 election, IC 3-13-1-17 applies.

25 SECTION 79. IC 3-13-1-1 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Except as provided  
27 in section 18 or 20 of this chapter, this chapter applies to the filling of  
28 a candidate vacancy that arises for any reason if the vacancy leaves a  
29 major political party without a candidate for the office and occurs  
30 before the thirtieth day before a general ~~or special or municipal~~  
31 election.

32 SECTION 80. IC 3-13-1-2 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A candidate vacancy  
34 that exists on a primary election ballot may not be filled for the primary  
35 election. The resulting vacancy on the following general ~~or municipal~~  
36 election ballot may be filled in the manner prescribed by this chapter,  
37 but only if it is filled **by not later than** noon June 30 before election  
38 day.

39 SECTION 81. IC 3-13-1-7 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) Except as  
41 provided in subsection (b), action to fill a candidate vacancy must be  
42 taken:

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- 1 (1) not later than noon June 30 after the primary election if the
- 2 vacancy exists on a general ~~or municipal~~ election ballot; and
- 3 (2) within thirty (30) days after the occurrence of the vacancy, if
- 4 the vacancy exists on a special election ballot, subject to section
- 5 2 of this chapter.

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

- 9 (1) The death of a candidate.
- 10 (2) The withdrawal of a candidate.
- 11 (3) The disqualification of a candidate under IC 3-8-1-5.
- 12 (4) A court order issued under IC 3-8-7-29(d).

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

16 SECTION 82. IC 3-13-1-16.5 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16.5. (a) All questions  
 18 concerning the validity of a certificate of candidate selection filed with  
 19 the election division shall be determined by the commission. A  
 20 statement questioning the validity of a certificate of candidate selection  
 21 must be filed with the election division under IC 3-8-1-2(c) not later  
 22 than noon seventy-four (74) days before the date on which the general  
 23 ~~or municipal~~ election will be held for the office.

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

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

35 SECTION 83. IC 3-13-1-19 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. A person who was  
 37 defeated in a primary election or in a ~~town or state~~ convention is  
 38 eligible to be appointed by the political party that the person affiliated  
 39 with by voting in the most recent primary election held by that party.  
 40 The person selected may fill any vacancy on the party's ticket as a  
 41 candidate in any general ~~municipal~~, or special election following that  
 42 primary election or convention in which the vacancy occurred.

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1 However, a person is not disqualified from appointment under this  
 2 section for not having voted in the most recent primary election if the  
 3 appointee is certified as a member of that party by the county chairman  
 4 for the county in which the appointee resides.

5 SECTION 84. IC 3-13-2-1 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter applies  
 7 to the filling of a candidate vacancy that exists due to the:

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

13 for nomination or election to an office at a general ~~municipal~~, or special  
 14 election after the thirty-first day before a general ~~municipal~~, or special  
 15 election.

16 SECTION 85. IC 3-13-2-10 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. A person who was  
 18 defeated in a primary election or in a ~~town or state~~ convention is  
 19 eligible to be appointed by the person's own political party to fill any  
 20 vacancy on the party's ticket as a candidate in any general ~~municipal~~,  
 21 or special election following that primary election or convention.

22 SECTION 86. IC 3-13-8-4, AS AMENDED BY P.L.119-2005,  
 23 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2013]: Sec. 4. (a) This section applies to a vacancy in the  
 25 city-county council of a first class city not covered by section 1 of this  
 26 chapter.

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

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

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

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

8 SECTION 87. IC 33-35-1-1, AS AMENDED BY P.L.164-2006,  
9 SECTION 141, IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) During ~~2006~~ **2014**, and ~~every~~  
11 ~~fourth year~~ after that, **every year before a presidential election year**,  
12 a second or third class city or a town may by ordinance establish or  
13 abolish a city or town court. An ordinance to establish a city or town  
14 court must be adopted not less than one (1) year before the judge's term  
15 would begin under section 3 of this chapter.

16 (b) The judge for a court established under subsection (a) shall be  
17 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in  
18 November ~~2007~~ **2015** and ~~every four (4) years thereafter~~. **after 2015,**  
19 **as provided in IC 3-10-7.5.**

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

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

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

28 SECTION 88. IC 33-35-1-2 IS REPEALED [EFFECTIVE JULY 1,  
29 2013]. ~~Sec. 2: (a) This section applies to a town that:~~

- 30 ~~(1) adopts an ordinance under IC 3-10-6-2.6; and~~
- 31 ~~(2) subsequently adopts an ordinance to establish a town court~~  
32 ~~under section 1 of this chapter.~~

33 ~~(b) Notwithstanding section 1 of this chapter, the judge of the town~~  
34 ~~court shall be elected at the next municipal election not conducted in~~  
35 ~~a general election year. The successors of the judge shall be elected at~~  
36 ~~the first general election following the municipal election and every~~  
37 ~~four (4) years thereafter.~~

38 SECTION 89. IC 33-35-1-3 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The judge of a  
40 city or town court shall be elected under:

- 41 **(1) IC 3-10-6 or IC 3-10-7 before January 1, 2016; and**
- 42 **(2) IC 3-10-7.5 after December 31, 2015;**

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1 by the voters of the city or town.  
 2 (b) Except as provided in subsections (c) and (d), the term of office  
 3 of a judge elected under this section is four (4) years, beginning at noon  
 4 January 1 after election and continuing until a successor is elected and  
 5 qualified.  
 6 (c) This subsection applies to a town that adopts an ordinance under  
 7 IC 3-10-6-2.6. The term of office of:  
 8 (1) a judge elected at the next municipal election not conducted  
 9 in a general election year is one (1) year; and  
 10 (2) the successors to the judge described in subdivision (1) is four  
 11 (4) years;  
 12 beginning at noon January 1 after election and continuing until a  
 13 successor is elected and qualified. **This subsection expires January**  
 14 **1, 2016.**  
 15 (d) This subsection applies to a town that adopts an ordinance under  
 16 IC 3-10-7-2.7. The term of office of:  
 17 (1) a judge elected at the next municipal election not conducted  
 18 in a general election year is three (3) years; and  
 19 (2) the successors to the judge described in subdivision (1) is four  
 20 (4) years;  
 21 beginning noon January 1 after election and continuing until a  
 22 successor is elected and qualified. **This subsection expires January**  
 23 **1, 2016.**  
 24 (e) Before beginning the duties of office, the judge shall, in the  
 25 manner prescribed by IC 5-4-1, execute a bond conditioned upon the  
 26 faithful discharge of the duties of office.  
 27 SECTION 90. IC 36-1-2-11.5 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2013]: **Sec. 11.5. "Nonpresidential election**  
 30 **year" has the meaning set forth in IC 3-5-2-33.3.**  
 31 SECTION 91. IC 36-1-2-13.5 IS ADDED TO THE INDIANA  
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2013]: **Sec. 13.5. "Presidential election year"**  
 34 **has the meaning set forth in IC 3-5-2-40.4.**  
 35 SECTION 92. IC 36-1.5-4-36, AS AMENDED BY P.L.113-2010,  
 36 SECTION 112, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2013]: Sec. 36. (a) This section applies if  
 38 section 5 of this chapter requires an election for a reorganization to  
 39 become effective.  
 40 (b) At the next:  
 41 (1) general election; ~~if~~  
 42 ~~(A) the reorganized political subdivision is not a municipality~~

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1 or a school corporation; or  
 2 ~~(B)~~ the reorganized political subdivision results from a  
 3 reorganization including a county and at least one ~~(1)~~  
 4 municipality;  
 5 ~~(2)~~ municipal election, if the reorganized political subdivision is  
 6 a municipality; or  
 7 ~~(3)~~ **(2)** primary or general election, as specified in an election plan  
 8 adopted in substantially identical resolutions by the legislative  
 9 body of each of the participating political subdivisions if the  
 10 reorganized political subdivision is a school corporation;  
 11 after the voters approve a reorganization, one (1) set of officers for the  
 12 reorganized political subdivision having the combined population of  
 13 the reorganizing political subdivisions shall be elected by the voters in  
 14 the territory of the reorganized political subdivision as prescribed by  
 15 statute.

16 (c) In the election described in subsection (b):  
 17 (1) one (1) member of the legislative body of the reorganized  
 18 political subdivision shall be elected from each election district  
 19 established by the reorganizing political subdivisions in  
 20 substantially identical resolutions adopted by the legislative body  
 21 of each of the reorganizing political subdivisions; and  
 22 (2) the total number of at large members shall be elected as  
 23 prescribed by statute for the reorganized political subdivision.

24 (d) If appointed officers are required in the reorganized political  
 25 subdivision, one (1) set of appointed officers shall be appointed for the  
 26 reorganized political subdivision. The appointments shall be made as  
 27 required by statute for the reorganized political subdivision. Any  
 28 statute requiring an appointed officer to reside in the political  
 29 subdivision where the appointed officer resides shall be treated as  
 30 permitting the appointed officer to reside in any part of the territory of  
 31 the reorganized political subdivision.

32 SECTION 93. IC 36-3-3-2 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A mayor, who is  
 34 the executive of both the consolidated city and the county, shall be  
 35 elected under:

36 **(1) IC 3-10-6 before January 1, 2016; and**

37 **(2) IC 3-10-7.5 after December 31, 2015;**

38 by the voters of the whole county.

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

41 (c) The term of office of an executive is four (4) years, beginning at  
 42 noon on January 1 after election and continuing until a successor is

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1 elected and qualified.

2 SECTION 94. IC 36-3-4-2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A twenty-nine  
4 (29) member city-county council, which is the legislative body of both  
5 the consolidated city and the county, shall be elected under:

6 **(1) IC 3-10-6 before January 1, 2016; and**

7 **(2) IC 3-10-7.5 after December 31, 2015;**

8 by the voters of the county.

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

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

12 (1) the county as provided in Article 6, Section 6 of the  
13 Constitution of the State of Indiana; and

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

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

16 (1) dies, resigns, or is removed from office;

17 (2) ceases to be a resident of the county or district from which the  
18 member was elected; or

19 (3) is incapacitated to the extent that the member is unable to  
20 perform the member's duties for more than six (6) months.

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

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

25 SECTION 95. IC 36-4-1-8 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Whenever the  
27 classification of a city under section 1 of this chapter changes due to a  
28 change in the city's population, the city shall be governed by the laws  
29 applicable to its new class, except as provided by subsection (b).

30 (b) The membership of a city legislative body remains unchanged  
31 until the expiration of the terms of its members, despite a change in the  
32 classification of the city for any reason. At the ~~municipal~~ **general**  
33 election preceding the expiration of those terms, the number of  
34 members of the legislative body required by the laws applicable to its  
35 new class shall be elected. The powers, duties, functions, and office of  
36 an elected official of a city shall remain unchanged until the expiration  
37 of the term of the elected official, despite a change in city classification  
38 for any reason.

39 SECTION 96. IC 36-4-1.5-3, AS ADDED BY P.L.111-2005,  
40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2013]: Sec. 3. (a) A town legislative body may satisfy the  
42 requirements of this section in an ordinance adopted either before or



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1 after the town's voters vote on the question described in section 2 of  
2 this chapter.

3 (b) If a resolution is adopted under section 2 of this chapter, the  
4 town legislative body shall adopt an ordinance providing for the  
5 transition from governance as a town to governance as a city. The  
6 ordinance adopted under this section must include the following  
7 details:

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

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

11 (A) The city executive.

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

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

15 (3) The date of the first election of the city officers. The first  
16 election may be held only on the date of a general election. ~~or a~~  
17 ~~municipal election~~. Candidates for election to the city offices shall  
18 be nominated:

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

21 (B) as otherwise provided in IC 3.

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

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

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

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

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

34 SECTION 97. IC 36-4-1.5-4, AS ADDED BY P.L.111-2005,  
35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2013]: Sec. 4. (a) Notwithstanding any other law, the term of  
37 office of the city officers elected at the first election of city officers  
38 held under the ordinance adopted under section 3 of this chapter:

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

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

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

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

8 SECTION 98. IC 36-4-2-8 IS REPEALED [EFFECTIVE JULY 1,  
 9 2013]. Sec. 8: An election held under section 2 or 3 of this chapter may  
 10 not be held in a calendar year in which a general municipal election is  
 11 to be held:

12 SECTION 99. IC 36-4-2-10 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. At the next general  
 14 municipal election after a vote in favor of a merger at an election held  
 15 under section 2 or 3 of this chapter, one (1) set of officers for a  
 16 municipality having the combined population of the merging  
 17 municipalities shall be elected by the voters of the merging  
 18 municipalities as prescribed by statute, except that:

- 19 (1) one (1) member of the municipal legislative body shall be  
 20 elected from each district established under section 12 of this  
 21 chapter; and  
 22 (2) the total number of at large members prescribed by statute for  
 23 the municipal legislative body shall be elected.

24 SECTION 100. IC 36-4-2-12 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) The legislative  
 26 bodies of municipalities that vote to merge under this chapter shall  
 27 meet in joint session at the hall of the municipality having the largest  
 28 population at 8 p.m. on the second Monday of January of the next year  
 29 in which a general municipal election is to be held. At the joint  
 30 meeting, the legislative bodies shall:

- 31 (1) elect a presiding officer and clerk; and  
 32 (2) fix, by joint resolution, the boundaries of the districts from  
 33 which members will be elected to the legislative body of the new  
 34 municipality.

35 The legislative bodies shall fix the district boundaries so that, as nearly  
 36 as is possible, all parts of the merging municipalities have equal  
 37 representation in the legislative body of the new municipality. The  
 38 district boundaries fixed under this subsection constitute the district  
 39 boundaries for the new municipality until they are altered by the  
 40 legislative body of the new municipality.

41 (b) If any territory in the municipality is not included in one (1) of  
 42 the districts established under subsection (a), the territory is included

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- 1 in the 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 (c) If any territory in the municipality is included in more than one
- 6 (1) of the districts established under subsection (a), the territory is
- 7 included in the district that:
- 8 (1) is one (1) of the districts in which the territory is described in
- 9 the joint resolution adopted under subsection (a);
- 10 (2) is contiguous to that territory; and
- 11 (3) contains the least population of all districts contiguous to that
- 12 territory.
- 13 (d) A copy of the joint resolution passed under subsection (a) shall
- 14 be:
- 15 (1) certified by the presiding officer;
- 16 (2) attested by the clerk; and
- 17 (3) filed with the legislative body of each of the merging
- 18 municipalities and the circuit court clerk of each county in which
- 19 the municipalities are located.
- 20 SECTION 101. IC 36-4-5-2 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A mayor, who is
- 22 the city executive, shall be elected under:
- 23 **(1) IC 3-10-6 before January 1, 2016; and**
- 24 **(2) IC 3-10-7.5 after December 31, 2015;**
- 25 by the voters of each city.
- 26 (b) A person is eligible to be a city executive only if the person
- 27 meets the qualifications prescribed by IC 3-8-1-26.
- 28 (c) Residency in territory that is annexed by the city before the
- 29 election is considered residency for the purposes of subsection (b),
- 30 even if the annexation takes effect less than one (1) year before the
- 31 election.
- 32 (d) The city executive must reside within the city as provided in
- 33 Article 6, Section 6 of the Constitution of the State of Indiana. The
- 34 executive forfeits office if the executive ceases to be a resident of the
- 35 city.
- 36 (e) The term of office of a city executive is four (4) years, beginning
- 37 at noon on January 1 after election and continuing until a successor is
- 38 elected and qualified.
- 39 SECTION 102. IC 36-4-6-2 IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A common
- 41 council, which is the city legislative body, shall be elected under:
- 42 **(1) IC 3-10-6 before January 1, 2016; and**

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- 1           **(2) IC 3-10-7.5 after December 31, 2015;**  
 2 by the voters of each city.  
 3           (b) A person is eligible to be a member of the legislative body only  
 4 if the person meets the qualifications prescribed by IC 3-8-1-27.  
 5           (c) Residency in territory that is annexed by the city before the  
 6 person files a declaration of candidacy or petition of nomination is  
 7 considered residency for the purposes of subsection (b), even if the  
 8 annexation takes effect less than one (1) year before the election.  
 9           (d) A member of the legislative body must reside within:  
 10           (1) the city as provided in Article 6, Section 6 of the Constitution  
 11           of the State of Indiana; and  
 12           (2) the district from which the member was elected, if applicable.  
 13           (e) A member forfeits office if the member ceases to be a resident  
 14 of the district or city.  
 15           (f) The term of office of a member of the legislative body is four (4)  
 16 years, beginning at noon on January 1 after election and continuing  
 17 until a successor is elected and qualified.  
 18           SECTION 103. IC 36-4-6-3, AS AMENDED BY P.L.230-2005,  
 19 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2013]: Sec. 3. (a) This section applies only to second class  
 21 cities.  
 22           (b) The legislative body shall adopt an ordinance to divide the city  
 23 into six (6) districts that:  
 24           (1) are composed of contiguous territory, except for territory that  
 25           is not contiguous to any other part of the city;  
 26           (2) are reasonably compact;  
 27           (3) do not cross precinct boundary lines, except as provided in  
 28           subsection (c) or (d); and  
 29           (4) contain, as nearly as is possible, equal population.  
 30           (c) The boundary of a city legislative body district may cross a  
 31 precinct boundary line if:  
 32           (1) more than one (1) member of the legislative body elected from  
 33           the districts established under subsection (b) resides in one (1)  
 34           precinct established under IC 3-11-1.5 after the most recent  
 35           **municipal general** election; and  
 36           (2) following the establishment of a legislative body district  
 37           whose boundary crosses a precinct boundary line, not more than  
 38           one (1) member of the legislative body elected from districts  
 39           resides within the same city legislative body district.  
 40           (d) The boundary of a city legislative body district may cross a  
 41           precinct line if the districts would not otherwise contain, as nearly as  
 42           is possible, equal population.

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

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1 must be filed with the circuit court clerk of the county that contains the  
 2 greatest population of the city not later than thirty (30) days after the  
 3 ordinance is adopted.

4 SECTION 104. IC 36-4-6-4, AS AMENDED BY P.L.169-2006,  
 5 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2013]: Sec. 4. (a) This section applies to third class cities,  
 7 except as provided by section 5 of this chapter.

8 (b) This subsection does not apply to a city with an ordinance  
 9 described by subsection (j) or (m). The legislative body shall adopt an  
 10 ordinance to divide the city into five (5) districts that:

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

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

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

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

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

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

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

- 40 (1) state that the legislative body is considering the adoption of an
- 41 ordinance described by this subsection; and
- 42 (2) be mailed not later than ten (10) days before the legislative

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

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

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

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

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

- 21 (1) is contiguous to that territory; and
- 22 (2) contains the least population of all districts contiguous to that
- 23 territory.

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

- 27 (1) is one (1) of the districts in which the territory is described in
- 28 the ordinance adopted under this section;
- 29 (2) is contiguous to that territory; and
- 30 (3) contains the least population of all districts contiguous to that
- 31 territory.

32 SECTION 105. IC 36-4-6-5, AS AMENDED BY P.L.113-2010,  
 33 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) This section applies to third  
 35 class cities having a population of less than ten thousand (10,000). The  
 36 legislative body of such a city may, by ordinance adopted after June 30,  
 37 2010, and during a year in which an election of the legislative body will  
 38 not occur, decide to be governed by this section instead of section 4 of  
 39 this chapter. The legislative body districts created by an ordinance  
 40 adopted under this subsection apply to the first election of the  
 41 legislative body held after the date the ordinance is adopted. The clerk  
 42 of the legislative body shall send a certified copy of any ordinance

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1 adopted under this subsection to the secretary of the county election  
2 board.

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

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

8 (2) are reasonably compact;

9 (3) do not cross precinct boundary lines except as provided in  
10 subsection (c) or (d); and

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

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

14 (1) more than one (1) member of the legislative body elected from  
15 the districts established under subsection (b) or (j) resides in one  
16 (1) precinct established under IC 3-11-1.5 after the most recent  
17 **municipal general** election; and

18 (2) following the establishment of a legislative body district  
19 whose boundary crosses a precinct boundary line, not more than  
20 one (1) member of the legislative body elected from the districts  
21 resides within the same city legislative body district.

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

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

27 (1) except when following a precinct boundary line; or

28 (2) unless the city legislative body certifies in the ordinance that  
29 the census block has no population, and is not likely to ever have  
30 population.

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

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

37 (2) be mailed not later than ten (10) days before the legislative  
38 body adopts the ordinance.

39 (g) The division under subsection (b) or (j) shall be made:

40 (1) during the second year after a year in which a federal  
41 decennial census is conducted; and

42 (2) when required to assign annexed territory to a district.

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

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1 greatest population of the city not later than thirty (30) days after the  
2 ordinance is adopted.

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

6 (1) is contiguous to that territory; and

7 (2) contains the least population of all districts contiguous to that  
8 territory.

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

12 (1) is one (1) of the districts in which the territory is described in  
13 the ordinance adopted under this section;

14 (2) is contiguous to that territory; and

15 (3) contains the least population of all districts contiguous to that  
16 territory.

17 SECTION 106. IC 36-5-1-10.1, AS AMENDED BY P.L.113-2010,  
18 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2013]: Sec. 10.1. (a) Except as provided in  
20 subsection (g), if the county executive makes the findings required by  
21 section 8 of this chapter, it may adopt an ordinance incorporating the  
22 town. The ordinance: ~~must:~~

23 (1) ~~provide that:~~ **must:**

24 (A) **provide that** all members of the town legislative body are  
25 to be elected at large (if the town would have a population of  
26 less than three thousand five hundred (3,500)); or

27 (B) divide the town into not less than three (3) nor more than  
28 seven (7) districts; and

29 (2) **must** direct the county election board to conduct an election  
30 in the town on the date of the next general ~~or municipal~~ election  
31 to be held ~~in any precincts~~ in the county.

32 An election conducted under this section must comply with IC 3  
33 concerning town elections. If, on the date that an ordinance was  
34 adopted under this section, absentee ballots for a general ~~or municipal~~  
35 election have been delivered under IC 3-11-4-15 for voters within a  
36 precinct in the town, the election must be conducted on the date of the  
37 next general ~~or municipal~~ election held in any precincts in the county  
38 after the election for which absentee balloting is being conducted.  
39 However, a primary election may not be conducted before an election  
40 conducted under this section, regardless of the population of the town.

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

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

- 4 (1) is contiguous to that territory; and  
 5 (2) contains the least population of all districts contiguous to that  
 6 territory.

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

- 10 (1) is one (1) of the districts in which the territory is described in  
 11 the ordinance adopted under this section;  
 12 (2) is contiguous to that territory; and  
 13 (3) contains the least population of all districts contiguous to that  
 14 territory.

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

- 17 (1) the office of the secretary of state; and  
 18 (2) the circuit court clerk of each county in which the town is  
 19 located.

20 (f) An ordinance incorporating a town under this section may not  
 21 take effect during the year preceding a year in which a federal  
 22 decennial census is conducted. An ordinance under this section that  
 23 would otherwise take effect during the year preceding a year in which  
 24 a federal decennial census is conducted takes effect January 1 of the  
 25 year in which a federal decennial census is conducted.

26 (g) Proceedings to incorporate a town across county boundaries  
 27 must have the approval of the county executive of each county that  
 28 contains a part of the proposed town. Each county that contains a part  
 29 of the proposed town must adopt identical ordinances providing for the  
 30 incorporation of the town.

31 (h) Notwithstanding subsection (f) as that subsection existed on  
 32 December 31, 2009, an ordinance that took effect January 2, 2010,  
 33 because of the application of subsection (f), as that subsection existed  
 34 on December 31, 2009, is instead considered to take effect January 1,  
 35 2010, without the adoption of an ordinance or an amended ordinance  
 36 or any other additional action being required.

37 SECTION 107. IC 36-5-1.1-10.6, AS AMENDED BY  
 38 P.L.113-2010, SECTION 128, IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10.6. (a) This section  
 40 applies to included towns.

41 (b) The dissolution of a town under this section may be instituted by  
 42 filing a petition with the county board of registration. The petition must

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1 be signed by at least the number of the registered voters of the town  
 2 required to place a candidate on the ballot under IC 3-8-6-3. The  
 3 petition must be filed not later than June 1 of a year in which a general  
 4 ~~or municipal~~ election will be held.

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

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

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

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

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

23 (f) A dissolution under this section may not take effect during the  
 24 year preceding a year in which a federal decennial census is conducted.  
 25 A dissolution under this section that would otherwise take effect during  
 26 the year preceding a year in which the federal decennial census is  
 27 conducted takes effect January 1 of the year in which a federal  
 28 decennial census is conducted.

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

- 30 (1) the territory included within the town when the ordinance was
- 31 adopted becomes a part of the consolidated city;
- 32 (2) the books and records of the town become the property of the
- 33 county executive;
- 34 (3) the property owned by the town after payment of debts and
- 35 liabilities shall be disposed of by the county executive; and
- 36 (4) the county executive shall deposit any proceeds remaining
- 37 after payment of debts and liabilities into the county general fund.

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

40 (i) Notwithstanding subsection (f) as that subsection existed on  
 41 December 31, 2009, a dissolution that took effect January 2, 2010,  
 42 because of the application of subsection (f), as that subsection existed

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1 on December 31, 2009, is instead considered to take effect January 1,  
2 2010, without any additional action being required.

3 SECTION 108. IC 36-5-2-2 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The town council  
5 elected under:

- 6 (1) IC 3-10-6 or IC 3-10-7 **before January 1, 2016; and**  
7 (2) **IC 3-10-7.5 after December 31, 2015;**

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

10 SECTION 109. IC 36-5-2-3 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) Except as  
12 provided in subsection (b), (c), (d), (e), or (f), the term of office of a  
13 member of the legislative body is four (4) years, beginning at noon  
14 January 1 after the member's election and continuing until the  
15 member's successor is elected and qualified.

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

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

- 23 (2) continues until noon January 1 following the next ~~municipal~~  
24 **general** election scheduled under:

- 25 (A) IC 3-10-6-5 or IC 3-10-7-6 **before January 1, 2016; and**  
26 (B) **IC 3-10-7.5 after December 31, 2015;**

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

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

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

- 33 (A) IC 3-10-6-5 or IC 3-10-7-6 **before January 1, 2016; and**  
34 (B) **IC 3-10-7.5 after December 31, 2015;**

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

36 (d) The term of office of a member of the legislative body subject  
37 to IC 3-10-6-2.5(d)(1) is three (3) years, beginning at noon January 1  
38 after the member's election and continuing until the member's  
39 successor is elected and qualified. **This subsection expires January**  
40 **1, 2016.**

41 (e) The term of office of a member of a legislative body subject to  
42 an ordinance described by IC 3-10-6-2.6 is one (1) year, beginning at

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1 noon January 1 after the member's election and continuing until the  
 2 member's successor is elected and qualified. **This subsection expires**  
 3 **January 1, 2016.**

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

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

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

10 beginning noon January 1 after election and continuing until a  
 11 successor is elected and qualified. **This subsection expires January**  
 12 **1, 2016.**

13 SECTION 110. IC 36-5-2-4.1, AS AMENDED BY P.L.230-2005,  
 14 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2013]: Sec. 4.1. (a) The legislative body may, by ordinance,  
 16 divide the town into districts for the purpose of conducting elections of  
 17 town officers.

18 (b) A town legislative body district must comply with the following  
 19 standards:

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

22 (2) The district must be reasonably compact.

23 (3) The district must contain, as nearly as is possible, equal  
 24 population.

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

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

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

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

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

38 (d) If any territory in the town is not included in one (1) of the  
 39 districts established under this section, the territory is included in the  
 40 district that:

41 (1) is contiguous to that territory; and

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

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- 1 territory.
- 2 (e) If any territory in the town is included in more than one (1) of the
- 3 districts established under this section, the territory is included in the
- 4 district that:
- 5 (1) is one (1) of the districts in which the territory is described in
- 6 the ordinance adopted under this section;
- 7 (2) is contiguous to that territory; and
- 8 (3) contains the least population of all districts contiguous to that
- 9 territory.
- 10 (f) The ordinance may be appealed in the manner prescribed by
- 11 IC 34-13-6. If the town is located in two (2) or more counties, the
- 12 appeal may be filed in the circuit or superior court of any of those
- 13 counties.
- 14 (g) This subsection does not apply to a town with an ordinance
- 15 described by subsection (h). The division permitted by subsection (a)
- 16 shall be made:
- 17 (1) during the second year after a year in which a federal
- 18 decennial census is conducted, subject to IC 3-11-1.5-32; and
- 19 (2) when required to assign annexed territory to a municipal
- 20 legislative body district.
- 21 The division may also be made in any other year.
- 22 (h) This subsection applies to a town having a population of less
- 23 than three thousand five hundred (3,500). The town legislative body
- 24 may adopt an ordinance providing that:
- 25 (1) town legislative body districts are abolished; and
- 26 (2) all members of the legislative body are elected at large.
- 27 (i) An ordinance described by subsection (h):
- 28 (1) may not be adopted or repealed during a year in which a
- 29 **municipal general** election is scheduled to be conducted in the
- 30 town under:
- 31 **(A) IC 3-10-6 or IC 3-10-7 before January 1, 2016; and**
- 32 **(B) IC 3-10-7.5 after December 31, 2015; and**
- 33 (2) is effective upon passage.
- 34 (j) A copy of the ordinance establishing districts under this section
- 35 must be filed with the circuit court clerk of the county that contains the
- 36 greatest population of the town not later than thirty (30) days after the
- 37 ordinance is adopted.
- 38 SECTION 111. IC 36-5-2-4.2 IS AMENDED TO READ AS
- 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.2. (a) This section
- 40 applies to the alteration of the number of members of a legislative
- 41 body.
- 42 (b) The legislative body may adopt a resolution to submit a public

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1 question on the number of legislative body members to the voters of the  
2 town. The resolution must state the following:

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

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

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

9 "Shall the number of town council members be increased (or  
10 decreased, if applicable) from \_\_\_\_\_ (insert the current  
11 number of members provided for) to \_\_\_\_\_ (insert the  
12 number of members proposed in the resolution)?"

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

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

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

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

35 SECTION 112. IC 36-5-2-4.5 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.5. (a) This section  
37 applies to a town if both of the following apply:

38 (1) The town has a population of more than ten thousand  
39 (10,000).

40 (2) The town legislative body adopts an ordinance adopting the  
41 provisions of this section. A town may not adopt an ordinance  
42 under this section during a year in which ~~municipal elections are~~

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1 a general election is held under:

2 (A) IC 3-10-6-5 before January 1, 2016; and

3 (B) IC 3-10-7.5 after December 31, 2015.

4 (b) A town legislative body has the following members:

5 (1) Five (5) members, each elected by the voters of a district. The  
6 districts are established by ordinance by the town legislative body  
7 as provided in this chapter.

8 (2) Two (2) members elected at large by all the voters of the town.

9 (c) An ordinance adopted under this section must provide for the  
10 following:

11 (1) Four (4) members of the legislative body are elected during a  
12 year that ~~municipal elections are a general election~~ is held under:

13 (A) IC 3-10-6-5 before January 1, 2016; and

14 (B) IC 3-10-7.5 after December 31, 2015.

15 (2) Three (3) members of the legislative body are elected either:

16 (A) during ~~the a presidential election year; before the year~~  
17 ~~described in subdivision (1);~~ or

18 (B) during ~~the a nonpresidential election year. after the year~~  
19 ~~described in subdivision (1);~~

20 The year for elections under this subdivision must be chosen so  
21 that during the elections held for the town legislative body under  
22 subdivision (4), a member of the town legislative body does not  
23 serve a term of more than four (4) years.

24 (3) The members of the legislative body elected at large may not  
25 be elected at the same time.

26 (4) At the first two (2) elections after the ordinance is adopted,  
27 members are elected to serve the following terms:

28 (A) Two (2) members elected under subdivision (1) are  
29 elected to a four (4) year term and two (2) members elected  
30 under subdivision (1) are elected to a ~~three (3)~~ **two (2)** year  
31 term.

32 (B) Two (2) members elected under subdivision (2) are elected  
33 to a four (4) year term and one (1) member elected under  
34 subdivision (2) is elected to a ~~three (3)~~ **two (2)** year term.

35 The ordinance must provide a random procedure to determine  
36 which members serve four (4) year terms and which members  
37 serve ~~three (3)~~ **two (2)** year terms.

38 (5) A member of the town council elected after the elections  
39 described in subdivision (4) serves a term of four (4) years.

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

42 (d) An ordinance adopted under this section may provide that before

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1 the first election after adoption of the ordinance, members of the town  
2 legislative body added to the legislative body by the ordinance may be  
3 appointed to the legislative body by a vote of the current members of  
4 the legislative body.

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

- 8 (1) Divide the town into seven (7) districts.
- 9 (2) Provide that the members elected at large are each elected  
10 from a district.

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

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

- 17 (1) IC 3-10-6-4.5 before January 1, 2016; and
- 18 (2) IC 3-10-7.5 after December 31, 2015.

19 SECTION 113. IC 36-5-6-3 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The  
21 clerk-treasurer must reside within the town as provided in Article 6,  
22 Section 6 of the Constitution of the State of Indiana. The clerk-treasurer  
23 forfeits office if the clerk-treasurer ceases to be a resident of the town.

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

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

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

- 32 (A) IC 3-10-6-5 or IC 3-10-7-6 before January 1, 2016; and
  - 33 (B) IC 3-10-7.5 after December 31, 2015;
- 34 and until the clerk-treasurer's successor is elected and qualified.

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

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

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

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1       **This subsection expires January 1, 2016.**  
2       (e) The term of office of a clerk-treasurer subject to an ordinance  
3 described by IC 3-10-7-2.7 is:  
4           (1) three (3) years if the clerk-treasurer is elected at the next  
5           municipal election not conducted in a general election year; and  
6           (2) four (4) years for the successors of the clerk-treasurer  
7           described in subdivision (1);  
8 beginning noon January 1 after the clerk-treasurer's election and  
9 continuing until the clerk-treasurer's successor is elected and qualified.  
10       **This subsection expires January 1, 2016.**  
11       SECTION 114. IC 36-10-3-35 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 35. (a) If the fiscal  
13 body approves the petition and adopts the ordinance presented under  
14 section 34 of this chapter, the ordinance takes effect.  
15       (b) After the adoption of the ordinance, the fiscal body shall certify  
16 the question under IC 3-10-9-3 to the county election board of the  
17 county containing the greatest percentage of population of the  
18 municipality and fix a date for a special election to be held not later  
19 than ninety (90) days after adoption. However, if a primary ~~or~~ general  
20 ~~or municipal~~ election will be conducted in each precinct in the affected  
21 area not later than six (6) months after the ordinance is adopted, the  
22 special election shall be conducted on the same day as the primary ~~or~~  
23 general ~~or special~~ election. The election shall be held by the county  
24 election board in the area described in the petition. IC 3-10-8-6 applies  
25 to the special election. Any voter residing in the affected area may vote  
26 in the election.  
27       (c) The county election board shall give public notice of the special  
28 election in accordance with IC 3-10-2-2.  
29       (d) The ballot must be in the form prescribed by IC 3-10-9-4 and  
30 must state "Shall park and recreation services be extended?".  
31       (e) If the special election is not conducted at a general election  
32 ~~municipal election~~, or primary election, the fiscal body shall  
33 appropriate a sum sufficient to defray the cost of the ballots and to pay  
34 the expense of the election as prescribed by IC 3. The appropriation  
35 may be from the general fund or by transfer from the operating budget  
36 of the department.

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