

IC 3-10-7

Chapter 7. Municipal Elections in Small Towns Located Outside Marion County

IC 3-10-7-1

Application of chapter

Sec. 1. (a) This chapter applies to municipal elections in towns having a population of less than three thousand five hundred (3,500) that are not located entirely or partially within a county having a consolidated city.

(b) Prison inmates may not be counted in determining population size for purposes of this chapter.

As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.13; P.L.11-1988, SEC.8; P.L.15-1995, SEC.3.

IC 3-10-7-1.5

"Appointed member" defined

Sec. 1.5. As used in this chapter, "appointed member" refers to the member of a town election board who is also the town chairman of a major political party appointed under IC 3-8-5-3.

As added by P.L.4-1996, SEC.49.

IC 3-10-7-2

Municipal elections in general election year; conduct by county election board; other municipal elections conducted by town election board

Sec. 2. (a) The county election board shall conduct elections in towns for town offices or on public questions submitted to the voters of the town if the town office or public question will be placed on the ballot during a general election year.

(b) This subsection applies in a year in which a general election is not scheduled to be conducted. Except as provided in sections 4, 5, and 5.5 of this chapter, the town election board established under this chapter shall conduct municipal or special elections in towns subject to this chapter.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1993, SEC.102; P.L.164-2006, SEC.75.

IC 3-10-7-2.5

Town ordinance providing length of term for members of legislative body

Sec. 2.5. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city unless the town has a population of more than one thousand (1,000) but less than one thousand five hundred (1,500).

(b) A town may adopt an ordinance under IC 3-10-6-2.5, if the town has not adopted an ordinance under IC 18-3-1-16(b) (before its repeal on September 1, 1981) or P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

As added by P.L.11-1988, SEC.9. Amended by P.L.3-1990, SEC.11;

P.L.4-1996, SEC.50; P.L.3-1997, SEC.233; P.L.170-2002, SEC.7.

IC 3-10-7-2.7

Town ordinance for municipal officers and municipal elections

Sec. 2.7. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city.

(b) A town may adopt an ordinance during the year preceding a municipal election conducted under section 2 of this chapter prescribing the length of the term of office for municipal officers and changing the time municipal elections are held.

(c) The ordinance described in subsection (b) must provide all of the following:

(1) The town legislative body members, clerk-treasurer, or judge elected at the next municipal election not conducted in a general election year serve a term of three (3) years.

(2) The successors of the town legislative body members, clerk-treasurer, or judge described in subdivision (1) shall be chosen at the second general election following the municipal election and serve a term of four (4) years.

(3) The municipal elections for town offices shall be held during a general election.

(d) A town may repeal an ordinance adopted under subsection (b) subject to both of the following:

(1) The ordinance may not be repealed earlier than twelve (12) years after the ordinance was adopted.

(2) The ordinance may be repealed only in a year preceding a municipal election held at the time described in IC 3-10-6-5.

As added by P.L.4-1996, SEC.51.

IC 3-10-7-2.9

Changing the year municipal election is held; ordinance; exception

Sec. 2.9. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city.

(b) During the year preceding a municipal election conducted under section 2 of this chapter, a town may adopt an ordinance changing the time municipal elections are held for the offices of the town legislative body members, clerk-treasurer, and judge.

(c) The ordinance described in subsection (b) must provide all the following:

(1) The years in which town elections shall be held. A town election may not be held in a year following a year in which an election for electors for President of the United States is held.

(2) That the elections for town offices shall be held during general elections or municipal elections, or both.

(3) Which town officers are to be elected in each of the years of the town election cycle. The ordinance must provide that at least two (2) town officers shall be elected in each year of the town election cycle. The ordinance may provide for all town officers to be elected at the same election.

(4) The term of office of each town officer elected in the first

election cycle after adoption of the ordinance. A term of office set under this subdivision may not exceed four (4) years.

(5) That the term of office of each town officer elected after the first election cycle after adoption of the ordinance is four (4) years.

(6) That the term of office of each town officer begins on January 1 after the election.

(d) A town may repeal an ordinance adopted under subsection (b) subject to both of the following:

(1) The ordinance may not be repealed earlier than twelve (12) years after the ordinance was adopted.

(2) The ordinance may be repealed only in a year preceding a municipal election held at the time described in IC 3-10-6-5.

As added by P.L.9-2004, SEC.16.

IC 3-10-7-3

Municipal elections coinciding with general elections; conduct by county election board

Sec. 3. If a town has established staggered terms for its town council, or has adopted an ordinance under section 2.7 or 2.9 of this chapter, the county election board shall conduct a municipal election in that town that coincides with a general election.

As added by P.L.5-1986, SEC.6. Amended by P.L.8-1989, SEC.7; P.L.4-1996, SEC.52; P.L.9-2004, SEC.17.

IC 3-10-7-4

Agreements between county election board and town

Sec. 4. (a) A county election board and a town may enter into a written agreement providing that the county election board will conduct a municipal primary or a municipal election, or both, in the town.

(b) A town that enters into an agreement described in subsection (a) shall continue to nominate candidates by convention conducted under IC 3-8-5 or by petition filed under IC 3-8-6 unless the town nominates candidates in a primary election as provided in IC 3-8-5-2.

(c) An agreement may not be entered into after September 21 of a year in which a municipal election is to be held in the town.

(d) A county election board that enters into an agreement under this section shall conduct the municipal election in the same manner as it conducts a general election in a town that has a population of three thousand five hundred (3,500) or more.

As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.14; P.L.66-2003, SEC.33; P.L.14-2004, SEC.84.

IC 3-10-7-5

Town in county having a consolidated city; conduct of election by county election board

Sec. 5. The county election board shall conduct a municipal election in a town that is located in a county having a consolidated city. The county election board shall conduct the municipal election

in the same manner as it conducts a consolidated city election. However, a town that is subject to this section is not required to reimburse the county for any of the expenses of conducting a municipal election.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-5.5

County election board conduct of town election unless town legislative body establishes election board

Sec. 5.5. (a) The county election board shall conduct a municipal election in a town unless the town legislative body adopts a resolution during the period:

- (1) beginning January 1; and
- (2) ending August 8;

before the municipal election to establish a town election board under this chapter to conduct the municipal election.

(b) The town clerk-treasurer must file a copy of the resolution with the circuit court clerk of the county having the greatest percentage of the population of the town not later than noon August 21 after the resolution is adopted.

(c) A resolution adopted under this section expires December 31 after its adoption.

As added by P.L.3-1993, SEC.103. Amended by P.L.14-2004, SEC.85.

IC 3-10-7-6

Municipal office elections; time; restrictions

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

(b) This subsection applies to a municipal office elected during a municipal or general election. An election may not be held for a municipal office if:

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

As added by P.L.5-1986, SEC.6. Amended by P.L.11-1987, SEC.4; P.L.4-1991, SEC.56; P.L.8-1992, SEC.13; P.L.3-1995, SEC.89; P.L.4-1996, SEC.53; P.L.14-2004, SEC.86; P.L.225-2011, SEC.48.

IC 3-10-7-6.1

Elections for municipal offices; prohibition

Sec. 6.1. An election may not be held for a municipal office if:

- (1) an election is not required under section 6 of this chapter; and
- (2) the approval or rejection of a public question is the only other vote that may be cast on the ballot at the municipal election.

As added by P.L.3-1997, SEC.234.

IC 3-10-7-7

Town election boards; establishment; members

Sec. 7. (a) A town election board consisting of three (3) members is established in each town except a town that:

- (1) has entered into an agreement with the county election board under section 4 of this chapter;
- (2) is located in a county having a consolidated city; or
- (3) has a population of less than five hundred (500) and has not adopted and filed a resolution under section 5.5 of this chapter.

(b) The town election board consists of the following three (3) members:

- (1) The town chairman of each of the major political parties appointed under IC 3-8-5-3.
- (2) The town clerk-treasurer.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1993, SEC.104; P.L.4-1996, SEC.54.

IC 3-10-7-8

Repealed

(Repealed by P.L.4-1996, SEC.107.)

IC 3-10-7-9

Repealed

(Repealed by P.L.4-1996, SEC.107.)

IC 3-10-7-10

Repealed

(Repealed by P.L.4-1996, SEC.107.)

IC 3-10-7-11

Chairman; secretary

Sec. 11. The members of a town election board shall select one (1) of the appointed members to serve as chairman. The town clerk-treasurer shall serve as secretary of the board.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-12

Meetings

Sec. 12. A town election board shall hold meetings on call of the chairman whenever necessary to perform its duties. If the chairman refuses, fails, or is unable to call a meeting, the two (2) remaining members may meet to perform the duties of the board.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-13

Minutes of meetings; record of votes

Sec. 13. Minutes of all town election board meetings and a record of the aye and nay vote of each member on all questions coming

before the board shall be kept.
As added by P.L.5-1986, SEC.6.

IC 3-10-7-14

Repealed

(Repealed by P.L.164-2006, SEC.143.)

IC 3-10-7-15

Deputy election commissioners; appointment and removal; residency; duties

Sec. 15. (a) A town election board may appoint and at its pleasure remove deputy election commissioners. A deputy election commissioner appointed under this section must reside in the town of the election board that appointed the deputy commissioner. If a deputy election commissioner ceases to be a resident of the town of the election board that appointed the deputy election commissioner, the person may not continue to serve as a deputy election commissioner of the town.

(b) The county chairman of each major political party who appointed the chairman of that political party's town committee under IC 3-8-5-3 shall designate one-half (1/2) of the deputy commissioners. Deputy election commissioners may assist the town election board in carrying out its duties in accordance with the rules adopted by the board.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.92; P.L.5-1989, SEC.42; P.L.4-1996, SEC.55.

IC 3-10-7-16

Employees

Sec. 16. A town election board may appoint and at its pleasure remove clerks, custodians, and other employees that are necessary to execute its powers. The board may prescribe the duties, fix the rank, and fix the salaries of its appointees.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-17

Purchase of materials, supplies, and equipment

Sec. 17. All materials, supplies, and equipment that are to be paid for out of the town treasury shall be purchased as provided by statute and paid upon claims filed with the town clerk-treasurer. The town election board must verify and approve the claims.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-18

Audit of books

Sec. 18. The books of a town election board shall be audited as are those of other town officials.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-19

Assistance by town marshal

Sec. 19. The town marshal, whenever called upon by a town election board, shall assist the board in the enforcement of the election laws and the discharge of its duties.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-20

Compensation of members

Sec. 20. The town legislative body shall determine the compensation of each appointed member of a town election board. The town legislative body shall fix the compensation in the same manner as it fixes salaries.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-21

Powers and duties

Sec. 21. Except as otherwise provided in this chapter, a town election board conducting a municipal election under this chapter, the town executive, the town clerk-treasurer, voters, and members of political parties in each town in which a municipal election is conducted under this chapter have the same rights and powers, shall perform the same duties, and are subject to the same qualifications and penalties as a county election board that is conducting a general election, or the county executive, circuit court clerk, or member of a political party in a town in which a general election is conducted by the county election board.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.56; P.L.14-2004, SEC.87.

IC 3-10-7-22

Precinct election board; members; designation of polls

Sec. 22. (a) A town election board shall appoint a precinct election board for each precinct in the town.

(b) If a precinct is wholly or partly in the town, the town election board may designate the polls for the precinct to be at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct.

(c) If a precinct election board administers more than one (1) precinct under subsection (b), the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

(d) Each precinct election board consists of:

(1) one (1) inspector; and

(2) two (2) judges of opposite political parties.

(e) The members of a precinct election board must be voters who reside in the town.

As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.15; P.L.3-1987, SEC.186; P.L.230-2005, SEC.45.

IC 3-10-7-23

Powers and duties of precinct election board

Sec. 23. Except as otherwise provided in this chapter, a precinct election board for a municipal election has the same powers and duties, and is subject to the same qualifications and penalties, as a precinct election board appointed for a general election under IC 3-6-6-1.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-24

Poll clerks; assistant poll clerks

Sec. 24. A town election board shall appoint two (2) poll clerks, and may appoint two (2) assistant poll clerks, of opposite political parties for each precinct in the town. Except as otherwise provided in this chapter, the poll clerks and assistant poll clerks have the same powers and duties, and are subject to the same qualifications and penalties, as poll clerks and assistant poll clerks appointed for a general election under IC 3-6-6-2 and IC 3-6-6-3.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-25

Election sheriffs; precinct judges functioning as sheriffs

Sec. 25. (a) A town election board shall appoint two (2) election sheriffs of opposite political parties for each precinct in the town. Except as otherwise provided in this chapter, the election sheriffs have the same powers and duties, and are subject to the same qualifications and penalties, as election sheriffs appointed for a general election under IC 3-6-6-5.

(b) A town election board may adopt a resolution providing that the judges of each precinct that:

- (1) is located wholly or partially in the town; and
- (2) will contain no more than two hundred fifty (250) registered voters on municipal election day;

shall perform the duties and have the rights of the election sheriffs of the precinct. This resolution remains in effect until repealed by the town election board.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1993, SEC.105.

IC 3-10-7-26

Nomination of inspector

Sec. 26. The appointed member of a town election board who represents the major political party whose nominee received the highest number of votes in the county for secretary of state at the last election may nominate one (1) person to serve as inspector for each precinct in the town.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-27

Nomination of election officials

Sec. 27. Each of the appointed members of a town election board

may nominate:

- (1) one (1) person to serve as a judge;
- (2) one (1) person to serve as an election sheriff, except in a precinct subject to a resolution adopted under section 25 of this chapter;
- (3) one (1) person to serve as a poll clerk; and
- (4) one (1) person to serve as an assistant poll clerk, if assistant poll clerks are to be appointed;

for each precinct in the town.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1993, SEC.106.

IC 3-10-7-28

Appointment of nominees; vacancies

Sec. 28. A town election board shall appoint the persons who are nominated under sections 26 and 27 of this chapter. A vacancy in an office shall be filled by an appointment made upon the recommendation of the board member who nominated the original officer.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-29

Challengers; pollbook holders

Sec. 29. Each political party that has a candidate on the ballot in a municipal election under this chapter may appoint one (1) challenger and one (1) pollbook holder for each precinct in the town. These persons have the same powers and duties, and are subject to the same qualifications and penalties, as challengers and pollbook holders appointed under IC 3-6-7-1.

As added by P.L.5-1986, SEC.6.

IC 3-10-7-30

List of registered voters; copies

Sec. 30. (a) The circuit court clerk or board of registration of each county in which a town described in section 1 of this chapter is located shall prepare copies of the list of registered voters for each precinct in the town at least ten (10) days before a municipal election under this chapter. The lists must include the full name, address, and assigned identification number of each voter. Two (2) copies of the list shall be presented to the town election board for use at the polls on election day.

(b) Not later than twenty-four (24) days before election day, the circuit court clerk or board of registration shall provide a list of registered voters in the town to the town election board to permit the board to conduct absentee ballot voting.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.57.

IC 3-10-7-31

Election equipment furnished by county election board

Sec. 31. Upon request of a town election board, the county election board of each county in which the town is located shall

furnish any available equipment that is necessary for a municipal election, including ballot card voting systems and electronic voting systems. The town shall pay the expense of moving the equipment to and from the polls and for any loss of or damage to the equipment. *As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.187; P.L.10-1988, SEC.93; P.L.221-2005, SEC.34.*

IC 3-10-7-32

Method of voting; determination; duties of election officers

Sec. 32. (a) A town election board shall determine what voting method will be used in a municipal election.

(b) The town election board and its precinct election officers shall perform the duties of the county election board and its precinct election officers under IC 3-11 for each voting method used.

(c) The town election board shall prepare the ballots in the form prescribed by IC 3-11 and distribute them to the precincts in the town.

(d) This subsection applies only to paper ballots. Notwithstanding subsection (c), the town election board, by unanimous consent of the board's entire membership, may authorize the printing or reproduction of ballots on equipment under the control of the town clerk-treasurer. If the town election board acts under this subsection, the ballots are not required to conform to the precise dimensions concerning the size of political party devices under IC 3-11-2-9 or the placement of a candidate's name under IC 3-11-2-10(f). However, the ballots must otherwise substantially conform with IC 3-11-2.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.188; P.L.3-1997, SEC.235; P.L.58-2005, SEC.13; P.L.190-2011, SEC.3.

IC 3-10-7-33

Canvass of votes; filing election materials

Sec. 33. (a) A town election board shall canvass the votes from a municipal election in the manner prescribed by IC 3-12-4.

(b) After completion of the canvass, the town election board shall immediately file the poll lists, ballots, tally sheets, and other election forms with the circuit court clerk of the county containing the greatest percentage of population of the town for preservation and voter list maintenance in accordance with IC 3-10-1-31 or IC 3-10-1-31.1.

As added by P.L.5-1986, SEC.6. Amended by P.L.209-2003, SEC.102; P.L.14-2004, SEC.88.

IC 3-10-7-34

Certification of vote; certificate of election or of approval or rejection of local public question

Sec. 34. (a) After completing the canvass of votes under section 33 of this chapter, a town election board shall make out a certificate:

(1) designating each office and public question;

(2) stating the number of votes:

(A) each candidate has received; and

- (B) cast for or against each public question; and
- (3) declaring:
 - (A) the candidate receiving the highest number of votes for each office to be elected; and
 - (B) the local public question approved or rejected if the question was placed on the ballot by the town election board.
- (b) The town election board shall present the certificate to the town clerk-treasurer, who may, upon the request of the candidate or a person entitled to request a recount of the votes cast on a public question, issue a:
 - (1) certificate of election to each person elected; or
 - (2) certificate declaring the local public question approved or rejected.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.94; P.L.4-1991, SEC.57.

IC 3-10-7-35

Appeals

Sec. 35. (a) Any voter of a town who disagrees with a decision of the town clerk-treasurer or the town election board under this chapter may appeal the decision to the county election board of the county containing the greatest percentage of population of the town before a municipal election under this chapter.

(b) The appeal must be in the form of a brief written statement setting forth the grounds of the appeal, together with any documents relevant to the matter.

(c) The county election board shall render a decision on the appeal within ten (10) days after the board receives the statement.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.189; P.L.4-1996, SEC.58.