

# HOUSE BILL No. 1038

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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. Moves elections of city and town officers to even-numbered years. Repeals superseded statutes.

**Effective:** July 1, 2015.

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## Morrison, Richardson

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January 6, 2015, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1038

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, 2015]: 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.



- 1 (C) The delegates to a political party's state convention.  
 2 ~~(4)~~ (3) School district election, in which the electorate of a school  
 3 district chooses by ballot members of the school board.  
 4 ~~(5)~~ (4) Special election, which is conducted for a special purpose  
 5 as provided by law.
- 6 SECTION 2. IC 3-5-1-3 IS ADDED TO THE INDIANA CODE AS  
 7 A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,**  
 8 **2015]: Sec. 3. (a) Whenever a statute in this title or IC 36 refers to**  
 9 **a primary election, the reference includes the 2015 primary**  
 10 **election to nominate candidates for municipal offices if, before July**  
 11 **1, 2015, the statute explicitly or by common understanding applied**  
 12 **to a municipal primary election.**
- 13 (b) Whenever a statute in this title or IC 36 refers to a general  
 14 election, the reference includes the 2015 general election to elect  
 15 candidates for municipal offices if, before July 1, 2015, the statute  
 16 explicitly or by common understanding applied to a municipal  
 17 election.
- 18 (c) This section expires January 1, 2016.
- 19 SECTION 3. IC 3-5-2-33 IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2015]: Sec. 33. "Nominee" means a candidate:  
 21 (1) nominated by a political party at a primary election or  
 22 convention under this title as the party's candidate for an elected  
 23 office in a general ~~municipal~~, or special election; or  
 24 (2) nominated by petition for an elected office.
- 25 SECTION 4. IC 3-5-2-33.3 IS ADDED TO THE INDIANA CODE  
 26 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 27 **1, 2015]: Sec. 33.3. "Nonpresidential election year" refers to an**  
 28 **even-numbered year that is not a presidential election year.**
- 29 SECTION 5. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE  
 30 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 31 **1, 2015]: Sec. 40.4. "Presidential election year" refers to a year in**  
 32 **which an election for electors for President of the United States is**  
 33 **held.**
- 34 SECTION 6. IC 3-5-3-1 IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in  
 36 sections 7 through 10 of this chapter, the county auditor shall pay the  
 37 expenses of voter registration and for all election supplies, equipment,  
 38 and expenses out of the county treasury in the manner provided by law.  
 39 The county fiscal body shall make the necessary appropriations for  
 40 these purposes.
- 41 (b) The county executive shall pay to the circuit court clerk or board  
 42 of registration the expenses of:



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

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

5 (c) **Except as provided in subsection (d)**, registration expenses  
6 incurred by a ~~circuit court clerk or board of county voter~~ registration  
7 **office** for:

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

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

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

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

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

16 SECTION 7. IC 3-5-3-7 IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2015]: Sec. 7. **(a)** All expenses for a municipal  
18 primary election or municipal election that is conducted by a county  
19 election board shall be allowed by the county executive and shall be  
20 paid out of the general fund of the county, without any appropriation  
21 being required. The county auditor shall certify the amount of that  
22 allowance to the fiscal officer of the municipality not later than thirty  
23 (30) days after the municipal primary or municipal election. The fiscal  
24 body of the municipality shall make the necessary appropriation to  
25 reimburse the county for the expense of the primary election or election  
26 not later than December 31 of the year in which the municipal election  
27 is conducted.

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

29 SECTION 8. IC 3-5-3-8 IS AMENDED TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Except as provided in  
31 subsection (b), during the period that begins ninety (90) days before a  
32 municipal primary election and continues until the day after the  
33 following municipal election, all expenses of the primary election and  
34 election that cannot be chargeable directly to any municipality shall be  
35 apportioned as follows:

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

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

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



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

2           SECTION 9. IC 3-5-3-9 IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Except as provided in  
4 subsection (c), whenever more than one (1) municipality in a county  
5 conducts a municipal primary election, the seventy-five percent (75%)  
6 of expenses that cannot be chargeable directly to any particular  
7 municipality under section 8 of this chapter shall be apportioned to  
8 each municipality in the same ratio that the number of voters who cast  
9 a ballot in the municipality at the municipal primary election bears to  
10 the total number of voters who cast a ballot in all of the municipalities  
11 in the county at that municipal primary election.

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

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

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

25           SECTION 10. IC 3-5-3-10 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) The county  
27 election board shall, on a form prescribed under IC 3-6-4.1-14, itemize  
28 all the expenses of any election for which a municipality is required to  
29 reimburse the county.

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

31           SECTION 11. IC 3-5-3-11 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Notwithstanding  
33 section 7 of this chapter, in a year in which a town election coincides  
34 with a general election, the county election board may not assess the  
35 town for the cost of the election.

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

37           SECTION 12. IC 3-5-8-5 IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2015]: Sec. 5. Not later than thirty (30) days  
39 before a primary **or** general **or** municipal election, the secretary of state  
40 shall request Indiana news media to include a copy of the voter's bill of  
41 rights as part of election coverage or in public service announcements.

42           SECTION 13. IC 3-6-4.2-14, AS AMENDED BY P.L.120-2009,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2015]: Sec. 14. (a) Each year in which a general ~~or municipal~~  
3 election is held, the election division shall call a meeting of all the  
4 members of the county election boards and the boards of registration  
5 to instruct them as to their duties under this title and federal law  
6 (including HAVA and NVRA). The election division may, but is not  
7 required to, call a meeting under this section during a year in which a  
8 general ~~or a municipal~~ election is not held.

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

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

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

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

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

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

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

25 (2) A mileage allowance at the state rate for the distance  
26 necessarily traveled in going and returning from the place of the  
27 instructional meeting called by the election division under this  
28 section.

29 (3) Reimbursement for the payment of the instructional meeting  
30 registration fee.

31 (4) An allowance for lodging for each night preceding conference  
32 attendance equal to the lodging allowance provided to state  
33 employees in travel status.

34 SECTION 14. IC 3-6-5-14, AS AMENDED BY P.L.258-2013,  
35 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2015]: Sec. 14. (a) Each county election board, in addition to  
37 duties otherwise prescribed by law, shall do the following:

38 (1) Conduct all elections and administer the election laws within  
39 the county. ~~except as provided in IC 3-8-5 and IC 3-10-7 for town  
40 conventions and municipal elections in certain small towns.~~

41 (2) Prepare all ballots.

42 (3) Distribute all ballots to all of the precincts in the county.



1 (b) Not later than the Monday before distributing ballots and voting  
 2 systems to the precincts in the county, the county election board shall  
 3 notify the county chairman of each major political party and, upon  
 4 request, the chairman of any other bona fide political party in the  
 5 county, that sample ballots are available for inspection.

6 SECTION 15. IC 3-6-5-15 IS REPEALED [EFFECTIVE JULY 1,  
 7 2015]. Sec. 15. (a) Except as provided in subsection (b), this section  
 8 applies when an election is conducted in a political subdivision (as  
 9 defined in IC 36-1-2-13 and other than a county) that contains territory  
 10 in more than one (1) county.

11 (b) This section does not apply to an election:

12 (1) conducted at the same time as a primary or general election  
 13 during an even-numbered year; or

14 (2) conducted in a town by a town election board under IC 3-10-7.

15 (c) To the extent authorized by this section, the county election  
 16 board of the county that contains the greatest percentage of population  
 17 of the political subdivision shall conduct all elections for the political  
 18 subdivision. The county election board may designate polling places  
 19 for the election, which may be located in any county in which the  
 20 political subdivision is located, and shall appoint precinct election  
 21 officers to conduct the election upon nomination by the county  
 22 chairman of the county where the precinct is located, or by filling a  
 23 vacancy if a nomination is not timely made. However, each county  
 24 election board shall provide poll lists for voters; receive and approve  
 25 absentee ballot applications; issue certificates of error or other  
 26 documents for the voters of that county; print ballots for the municipal  
 27 election, and conduct activity required to canvass the votes under  
 28 IC 3-12-5-2(b).

29 SECTION 16. IC 3-6-5-17 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2015]: 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



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 17. IC 3-6-5-28 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 18. IC 3-6-5-33 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 19. IC 3-6-6-27 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 27. 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 20. 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, 2015]: 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.





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 21. IC 3-6-9-1 IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2015]: 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.



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 22. IC 3-6-9-4 IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2015]: 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 23. IC 3-7-12-27, AS AMENDED BY P.L.258-2013,  
 20 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2015]: Sec. 27. (a) The circuit court clerk (or in a county with  
 22 a board of registration, the members of the board of registration) shall,  
 23 not later than noon seventy-seven (77) days before each general ~~or~~  
 24 primary ~~or municipal~~ election, file an affidavit under affirmation with  
 25 the election division.

26 (b) The affidavit must be on a form prescribed by the commission  
 27 and must state that the county voter registration office has:

28 (1) conducted the voter list maintenance program under this  
 29 article; and

30 (2) canceled the registrations required under the voter list  
 31 maintenance program.

32 SECTION 24. IC 3-7-13-1 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person who:

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

36 (2) is a United States citizen; and

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

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

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



1           **(1) will be at least eighteen (18) years of age on November 3,**  
 2           **2015;**  
 3           **(2) is a United States citizen; and**  
 4           **(3) resides in a precinct continuously before November 3,**  
 5           **2015, for at least thirty (30) days;**  
 6           **may, upon making a proper application under this article, register**  
 7           **to vote in that precinct. This subsection expires January 1, 2016.**

8           SECTION 25. IC 3-7-13-2 IS AMENDED TO READ AS  
 9           FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A person who ~~on the~~  
 10          ~~day of the next general, municipal, or special election,~~ will meet the  
 11          age and residency requirements of section 1 of this chapter may register  
 12          and vote in the primary election.

13          SECTION 26. IC 3-7-13-3 IS AMENDED TO READ AS  
 14          FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section  
 15          applies to a person who:

- 16                 (1) ~~on the day of the next general, municipal, or special election,~~  
 17                 will meet the age and residency requirements of section 1 of this  
 18                 chapter; and  
 19                 (2) does not meet the age or residency requirements on primary  
 20                 election day.

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

- 22                 (1) for candidates for:  
 23                         (A) elected offices;  
 24                         (B) precinct committeeman; or  
 25                         (C) state convention delegate; or  
 26                 (2) on public questions;

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

28          SECTION 27. IC 3-7-13-10, AS AMENDED BY P.L.219-2013,  
 29          SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30          JULY 1, 2015]: Sec. 10. (a) After a general ~~or municipal~~ election is  
 31          conducted, the registration period resumes on the following December  
 32          1 (or the first Monday in December if December 1 falls on a Saturday  
 33          or Sunday).

34          (b) Except as provided in IC 3-7-36 for absent uniformed services  
 35          voters and overseas voters, the registration period continues through  
 36          the twenty-ninth day before the date a primary election is scheduled  
 37          under this title.

38          (c) Except as provided in IC 3-7-36 for absent uniformed services  
 39          voters and overseas voters, the registration period resumes fourteen  
 40          (14) days after primary election day and continues through the  
 41          twenty-ninth day before the date a general ~~or municipal~~ election is  
 42          scheduled under this article.



1 (d) This subsection applies in each precinct in which a special  
 2 election is to be conducted. Except as provided in IC 3-7-36 for absent  
 3 uniformed services voters and overseas voters, the registration period  
 4 ceases in that precinct on the twenty-ninth day before a special election  
 5 is conducted and resumes fourteen (14) days after the special election  
 6 occurs.

7 SECTION 28. IC 3-7-14-10 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. If an individual is  
 9 registering to vote after the twenty-ninth day before the date that a  
 10 primary, general, ~~municipal~~, or special election is scheduled in the  
 11 precinct where the voter resides, the employee of the bureau of motor  
 12 vehicles commission who provides an individual with a driver's license  
 13 or an identification card application shall do the following:

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

18 SECTION 29. IC 3-7-15-10 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. If an individual is  
 20 registering to vote after the twenty-ninth day before the date that a  
 21 primary, general, ~~municipal~~, or special election is scheduled in the  
 22 precinct where the voter resides, the employee of the office who  
 23 provides an individual with an application for assistance or services  
 24 under section 3 of this chapter shall do the following:

- 25 (1) Inform the individual that office registration will not permit  
 26 the individual to vote in the next election.
- 27 (2) Inform the individual of other procedures the individual may  
 28 follow to vote in the next election.

29 SECTION 30. IC 3-7-16-17 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. If an individual is  
 31 registering to vote after the twenty-ninth day before the date that a  
 32 primary, general, ~~municipal~~, or special election is scheduled in the  
 33 precinct where the voter resides, the employee or a volunteer of the  
 34 office who provides an individual with an application for assistance or  
 35 services under this chapter shall do the following:

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

40 SECTION 31. IC 3-7-16-33 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 33. The NVRA official  
 42 shall notify the governing body of the agency of the following:



1 (1) The scheduled date of each primary, general, ~~municipal~~, and  
 2 special election.

3 (2) The jurisdiction in which the election will be held.

4 SECTION 32. IC 3-7-18-9 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. If an individual is  
 6 registering to vote after the twenty-ninth day before the date that a  
 7 primary, general, ~~municipal~~, or special election is scheduled in the  
 8 precinct where the voter resides, the employee or volunteer of the  
 9 office who provides an individual with an application for assistance or  
 10 services under this chapter shall do the following:

11 (1) Inform the individual that office registration will not permit  
 12 the individual to vote in the next election.

13 (2) Inform the individual of other procedures the individual may  
 14 follow to vote in the next election.

15 SECTION 33. IC 3-7-18-24 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. The NVRA official  
 17 shall notify the governing body of the agency of the following:

18 (1) The scheduled date of each primary, general, ~~municipal~~, and  
 19 special election.

20 (2) The jurisdiction in which the election will be held.

21 SECTION 34. IC 3-7-27-17 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) The registration  
 23 record used at any municipal primary or municipal election is that part  
 24 of the registration record of the county in which the municipality is  
 25 located.

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

27 SECTION 35. IC 3-7-28-2, AS AMENDED BY P.L.258-2013,  
 28 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 2. (a) This section does not apply to confidential  
 30 information included on a voter registration application.

31 (b) A report containing information regarding all registration  
 32 applications executed under this article during that part of a registration  
 33 period ending sixty-five (65) days before a primary ~~or~~ general ~~or~~  
 34 ~~municipal~~ election shall be forwarded not later than sixty (60) days  
 35 before the election to the following upon request:

36 (1) Each of the county chairmen of the major political parties of  
 37 the county.

38 (2) The chairman of the following:

39 (A) A bona fide political party that has at least one (1)  
 40 candidate on the ballot of the election.

41 (B) An independent candidate's committee if the candidate is  
 42 on the ballot at the election.



1 SECTION 36. IC 3-7-28-3, AS AMENDED BY P.L.258-2013,  
 2 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2015]: Sec. 3. (a) This section does not apply to confidential  
 4 information included on a voter registration application.

5 (b) A report containing information regarding all registration  
 6 applications executed under this article during that part of a registration  
 7 period beginning sixty-five (65) days before a primary ~~or~~ general ~~or~~  
 8 ~~municipal~~ election and ending twenty-nine (29) days before the  
 9 election shall be forwarded daily and within forty-eight (48) hours of  
 10 the date on which the report was originally made to the following upon  
 11 request:

12 (1) Each of the county chairmen of the major political parties of  
 13 the county.

14 (2) The chairman of the following:

15 (A) A bona fide political party that has at least one (1)  
 16 candidate on the ballot of the election.

17 (B) An independent candidate's committee if the candidate is  
 18 on the ballot at the election.

19 SECTION 37. IC 3-7-28-14, AS AMENDED BY P.L.219-2013,  
 20 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2015]: Sec. 14. (a) Each county voter registration office shall  
 22 provide a list of the names and addresses of all voters whose  
 23 registrations have been canceled under this article to the following  
 24 upon request:

25 (1) The county chairmen of the major political parties of the  
 26 county.

27 (2) The chairman of the following:

28 (A) A bona fide political party of the county.

29 (B) An independent candidate's committee participating in a  
 30 primary ~~or~~ general ~~or~~ ~~municipal~~ election.

31 Upon request the county voter registration office shall report  
 32 cancellations daily and within forty-eight (48) hours after the day on  
 33 which the cancellations were made, until election day.

34 (b) A request filed under this section may state that the list is to  
 35 include only cancellations made by the county voter registration office  
 36 within a period specified in the request.

37 SECTION 38. IC 3-7-38.2-2, AS AMENDED BY P.L.64-2014,  
 38 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2015]: 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);



- 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 voter whose  
 9 registration has not previously been canceled or designated as inactive  
 10 under this chapter at the residence address:
- 11 (1) listed in the voter's registration record; and  
 12 (2) determined by the county voter registration office not to be the  
 13 voter's current residence address.
- 14 (c) A county voter registration office may use information only from  
 15 the following sources to make the determination under subsection  
 16 (b)(2):
- 17 (1) The United States Postal Service National Change of Address  
 18 Service.  
 19 (2) A court regarding jury duty notices returned because of an  
 20 unknown or insufficient address.  
 21 (3) The return of a mailing sent by the county voter registration  
 22 office to all active voters (as defined in IC 3-11-18.1-2) in the  
 23 county because of an unknown or insufficient address.  
 24 (4) The bureau of motor vehicles concerning the surrender of a  
 25 voter's Indiana license for the operation of a motor vehicle to  
 26 another jurisdiction.  
 27 (5) The return by the United States Postal Service after the  
 28 expiration of the seven (7) day pending period of a notice  
 29 regarding the disposition of a voter registration application under  
 30 IC 3-7-33-5 because of an unknown or insufficient address.  
 31 (6) The return of a mailing sent to voters of a precinct advising  
 32 voters of a change of precinct boundary or the precinct polling  
 33 place because of an unknown or insufficient address, if the county  
 34 sends a similar mailing to the voters of each precinct when a  
 35 boundary or polling place is changed.
- 36 (d) The notice described in subsection (b) must:
- 37 (1) be sent by first class United States mail, postage prepaid, by  
 38 a method that requires the notice to be forwarded to the voter; and  
 39 (2) include a postage prepaid return card that:  
 40 (A) is addressed to the county voter registration office;  
 41 (B) states a date (which must be at least thirty (30) days after  
 42 the date the notice is mailed) by which the card must be



- 1 returned or the voter's registration will become inactive until  
 2 the information is provided to the county voter registration  
 3 office; and  
 4 (C) permits the voter to provide the voter's current residence  
 5 address.
- 6 (e) If a voter returns the card described in subsection (d)(2) and  
 7 provides a current residence address that establishes that the voter  
 8 resides:
- 9 (1) in the county, the county voter registration office shall update  
 10 the voter's registration record; or  
 11 (2) outside the county, the county voter registration office shall  
 12 cancel the voter's registration.
- 13 (f) If a voter returns the card described in subsection (d)(2) after the  
 14 final day for completing voter list maintenance activities under section  
 15 3 of this chapter, the county voter registration office shall, when  
 16 registration reopens after the next primary ~~or~~ general ~~or~~ ~~municipal~~  
 17 election following the date specified in the notice, process any update  
 18 or cancellation of the voter registration record indicated on the card by  
 19 the voter under subsection (e). If a card is returned as undeliverable  
 20 due to an unknown or insufficient address by the United States Postal  
 21 Service after the date specified in subsection (d)(2)(B), the county  
 22 voter registration office shall, when registration reopens after the next  
 23 primary ~~or~~ general ~~or~~ ~~municipal~~ election, determine whether the voter  
 24 voted or appeared to vote from the address set forth in the registration  
 25 record at any election occurring after the final day for completing voter  
 26 list maintenance activities, and if not, then designate the voter as  
 27 inactive.
- 28 (g) If a voter does not return the card described in subsection (d)(2)  
 29 by the date specified in subsection (d)(2)(B), the county voter  
 30 registration office shall indicate in the voter's registration record that  
 31 the voter's registration is inactive.
- 32 (h) A voter's registration that becomes inactive under subsection (f)  
 33 or (g) remains in inactive status from the date described in subsection  
 34 (d)(2)(B) until the earlier of the following:
- 35 (1) The date the county voter registration office updates or  
 36 cancels the voter's registration under subsection (e) after the voter  
 37 provides a current residence address.  
 38 (2) The day after the second general election in which the voter  
 39 has not voted or appeared to vote.
- 40 (i) After the date described in subsection (h)(2), the county voter  
 41 registration office shall remove the voter's registration from the voter  
 42 registration records.





1 SECTION 39. IC 3-7-38.2-3, AS AMENDED BY P.L.164-2006,  
 2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2015]: Sec. 3. As provided under 42 U.S.C.  
 4 1973gg-6(c)(2)(B)(i), this chapter does not prevent the removal of a  
 5 voter's name from the voter registration record during the final ninety  
 6 (90) day period before a primary ~~or~~ general ~~or~~ ~~municipal~~ election due  
 7 to any of the following in accordance with this article:

- 8 (1) The written request of the voter.  
 9 (2) Disenfranchisement due to criminal conviction and  
 10 incarceration.  
 11 (3) The death of the voter.

12 SECTION 40. IC 3-7-38.2-17, AS AMENDED BY P.L.64-2014,  
 13 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2015]: Sec. 17. (a) If the mailing to a voter sent under section  
 15 16 of this chapter is returned by the United States Postal Service  
 16 because of an unknown or insufficient address, the NVRA official shall  
 17 mail a second notice to the voter. The notice must meet the following  
 18 requirements:

- 19 (1) Be sent by first class, United States mail, postage prepaid, by  
 20 a method that requires the notice to be forwarded to the voter.  
 21 (2) Include a postage prepaid return card that:  
 22 (A) is addressed to the NVRA official;  
 23 (B) states a date (which must be at least thirty (30) days after  
 24 the date the notice was mailed) by which the card must be  
 25 returned or the voter's registration will become inactive until  
 26 the information is provided to the county voter registration  
 27 office; and  
 28 (C) permits the voter to provide the voter's current residence  
 29 address.

30 (b) If a voter returns the card described in subsection (a)(2) and  
 31 provides a current residence address that establishes that the voter  
 32 resides:

- 33 (1) in the same county, the county voter registration office shall  
 34 update the voter's registration record; or  
 35 (2) outside the county, the county voter registration office shall  
 36 cancel the voter's registration.

37 (c) If a voter returns the card described in subsection (a)(2) after the  
 38 final day for completing voter list maintenance activities under section  
 39 3 of this chapter, the county voter registration office shall, when the  
 40 registration reopens after the next primary ~~or~~ general ~~or~~ ~~municipal~~  
 41 election following the date specified in the notice, process any updates  
 42 or cancellation of the voter registration record indicated on the card by



- 1 the voter under subsection (b).
- 2 (d) If a voter returns the card described in subsection (a)(2) during  
3 the period described in subsection (c) with a request that the voter's  
4 registration record at an address be canceled, the county voter  
5 registration office shall proceed to cancel the registration under section  
6 3 of this chapter.
- 7 (e) If a card is returned not later than the date specified in  
8 subsection (a)(2)(B) as undeliverable because of an unknown or  
9 insufficient address, the county voter registration office shall designate  
10 the voter as inactive.
- 11 (f) If a card is returned after the date specified in subsection  
12 (a)(2)(B) as undeliverable because of an unknown or insufficient  
13 address, the county voter registration office shall, when registration  
14 reopens after the next primary ~~or~~ general ~~or~~ municipal election,  
15 determine whether the voter voted or appeared to vote from the address  
16 set forth in the registration record at any election occurring after the  
17 final day for completing voter list maintenance activities, and if not,  
18 designate the voter as inactive.
- 19 (g) If a voter does not return the card described in subsection (a)(2)  
20 by the date specified in subsection (a)(2)(B), the county voter  
21 registration office shall indicate in the voter's registration record that  
22 the voter's registration is inactive.
- 23 (h) A voter's registration that becomes inactive under subsections  
24 (e) through (g) remains in inactive status from the date described in  
25 subsection (a)(2)(B) until the earlier of the following:
- 26 (1) The date the county voter registration office updates or  
27 cancels the voter's registration under subsection (b) after the voter  
28 provides a current residence address.
  - 29 (2) The day after the second general election in which the voter  
30 has not voted or appeared to vote.
- 31 (i) After the day described in subsection (h)(2), the county voter  
32 registration office shall remove the voter's registration from the voter  
33 registration records not later than thirty (30) days after the second  
34 general election following the date on which notices are mailed to a  
35 voter under section 16 of this chapter.
- 36 SECTION 41. IC 3-8-1-1.7 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.7. As used in this  
38 chapter, "before the election" refers to a general ~~municipal~~; or special  
39 election.
- 40 SECTION 42. IC 3-8-1-5.5 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.5. (a) Except as  
42 provided in IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a



- 1 ticket, a person who:
- 2 (1) is defeated in a primary election;
- 3 (2) appears as a candidate for nomination at a convention and is
- 4 defeated;
- 5 (3) files a declaration of candidacy for nomination by a ~~county;~~
- 6 ~~city; or town~~ convention and is defeated; or
- 7 (4) files a declaration of candidacy for nomination by a caucus
- 8 conducted under IC 3-13-1 or IC 3-13-2 and is defeated;
- 9 is not eligible to become a candidate for the same office in the next
- 10 general ~~or municipal~~ election.
- 11 (b) For the purposes of subsection (a):
- 12 (1) a candidate for an at-large seat on a fiscal body is considered
- 13 a candidate for the same office as a candidate for a district seat on
- 14 a fiscal body; and
- 15 (2) a candidate for United States representative from a district in
- 16 Indiana is considered a candidate for the same office as a
- 17 candidate for any other congressional district in Indiana.
- 18 (c) This section does not apply to a candidate who files a written
- 19 request for placement on the presidential primary ballot under IC 3-8-3.
- 20 SECTION 43. IC 3-8-2-2.5, AS AMENDED BY P.L.76-2014,
- 21 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2015]: Sec. 2.5. (a) A person who desires to be a write-in
- 23 candidate for a federal, state, legislative, or local office or school board
- 24 office in a general ~~municipal~~; or school board election must file a
- 25 declaration of intent to be a write-in candidate with the officer with
- 26 whom declaration of candidacy must be filed under sections 5 and 6 of
- 27 this chapter.
- 28 (b) The declaration of intent to be a write-in candidate required
- 29 under subsection (a) must be signed before a person authorized to
- 30 administer oaths and must certify the following information:
- 31 (1) The candidate's name must be printed or typewritten as:
- 32 (A) the candidate wants the candidate's name to be certified;
- 33 and
- 34 (B) the candidate's name is permitted to appear under IC 3-5-7.
- 35 (2) A statement that the candidate is a registered voter and the
- 36 location of the candidate's precinct and township (or ward and
- 37 city or town), county, and state.
- 38 (3) The candidate's complete residence address, and if the
- 39 candidate's mailing address is different from the residence
- 40 address, the mailing address.
- 41 (4) The candidate's party affiliation or a statement that the
- 42 candidate is an independent candidate (not affiliated with any



1 party). The candidate may not claim affiliation with any political  
2 party described by IC 3-8-4-1.

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

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

10 (7) The following statements:

11 (A) A statement that the candidate has attached either of the  
12 following to the declaration:

13 (i) A copy of a statement of economic interests, file stamped  
14 by the office required to receive the statement of economic  
15 interests.

16 (ii) A receipt or photocopy of a receipt showing that a  
17 statement of economic interests has been filed.

18 This requirement does not apply to a candidate for a federal  
19 office.

20 (B) A statement that the candidate understands that if the  
21 candidate is elected to the office, the candidate may be  
22 required to obtain and file an individual surety bond before  
23 serving in the office. This requirement does not apply to a  
24 candidate for a federal office or legislative office.

25 (C) A statement that the candidate understands that if the  
26 candidate is elected to the office, the candidate may be  
27 required to successfully complete training or have attained  
28 certification related to service in an elected office. This  
29 requirement does not apply to a candidate for a federal office,  
30 state office, or legislative office.

31 (D) A statement that the candidate:

32 (i) is aware of the provisions of IC 3-9 regarding campaign  
33 finance and the reporting of campaign contributions and  
34 expenditures; and

35 (ii) agrees to comply with the provisions of IC 3-9.

36 This requirement does not apply to a candidate for a federal  
37 office.

38 The candidate must separately initial each of the statements  
39 required by this subdivision.

40 (8) A statement as to whether the candidate has:

41 (A) been a candidate for state or local office in a previous  
42 primary or general election; and



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



1 a statement that the candidate requests the name on the candidate's  
 2 voter registration record be the same as the name the candidate uses on  
 3 the declaration of intent to be a write-in candidate. If there is a  
 4 difference between the name on the candidate's declaration of intent to  
 5 be a write-in candidate and the name on the candidate's voter  
 6 registration record, the officer with whom the declaration of intent to  
 7 be a write-in candidate is filed shall forward the information to the  
 8 voter registration officer of the appropriate county as required by  
 9 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
 10 shall change the name on the candidate's voter registration record to be  
 11 the same as the name on the candidate's declaration of intent to be a  
 12 write-in candidate.

13 SECTION 44. IC 3-8-2-2.7, AS AMENDED BY P.L.219-2013,  
 14 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2015]: Sec. 2.7. (a) A candidate may withdraw a declaration  
 16 of intent to be a write-in candidate not later than noon July 15 before  
 17 a general or municipal election.

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

23 SECTION 45. IC 3-8-2-4, AS AMENDED BY P.L.219-2013,  
 24 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2015]: Sec. 4. (a) A declaration of candidacy for a primary  
 26 election must be filed not later than noon eighty-eight (88) days and not  
 27 earlier than one hundred eighteen (118) days before the primary  
 28 election. The declaration must be subscribed and sworn to before a  
 29 person authorized to administer oaths.

30 (b) A declaration of intent to be a write-in candidate must be filed:

- 31 (1) not earlier than the first date specified in IC 3-8-6-10(b) for  
 32 the timely filing of a petition of nomination; and  
 33 (2) not later than noon on the date specified by IC 3-13-1-15(c)  
 34 for a major political party to file a certificate of candidate  
 35 selection.

36 The declaration must be subscribed and sworn to before a person  
 37 authorized to administer oaths.

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

- 41 (1) candidacy may be filed for an office that will appear on the  
 42 primary election ballot; or



1 (2) intent to be a write-in candidate may be filed for an office that  
 2 will appear on the general ~~municipal~~, or school board election  
 3 ballot;  
 4 that year as a result of the new tabulation of population or corrected  
 5 population count.

6 SECTION 46. IC 3-8-5-18 IS ADDED TO THE INDIANA CODE  
 7 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 8 1, 2015]: **Sec. 18. This chapter expires January 1, 2016.**

9 SECTION 47. IC 3-8-6-13.5, AS AMENDED BY P.L.219-2013,  
 10 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2015]: Sec. 13.5. A candidate may withdraw a petition of  
 12 nomination by noon:

- 13 (1) July 15 before a general ~~or municipal~~ election; or  
 14 (2) seventy-one (71) days before a special election.

15 SECTION 48. IC 3-8-6-14, AS AMENDED BY P.L.194-2013,  
 16 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 14. (a) A person may not be selected as a  
 18 candidate by petition of nomination without giving written consent and  
 19 having it filed with the public official with whom certificates and  
 20 petitions of nomination are required to be filed.

21 (b) Each candidate nominated by petition of nomination must satisfy  
 22 all statutory eligibility requirements for the office for which the  
 23 candidate is nominated, including the filing of statements of economic  
 24 interest.

25 (c) All questions concerning the validity of a petition of nomination  
 26 filed with the secretary of state or contesting the denial of certification  
 27 under section 12(d) of this chapter shall be referred to and determined  
 28 by the commission. A statement questioning the validity of a petition  
 29 of nomination or contesting the denial of certification under section  
 30 12(d) of this chapter must be filed with the election division under  
 31 IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74)  
 32 days before the date on which the general ~~or municipal~~ election will be  
 33 held for the office.

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



1 (e) The commission or a county election board shall rule on the  
 2 validity of the petition of nomination or the denial of certification under  
 3 section 12(d) of this chapter not later than noon sixty (60) days before  
 4 the date on which the general ~~or municipal~~ election will be held for the  
 5 office.

6 SECTION 49. IC 3-8-7-25 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 25. The election  
 8 division and each county election board shall have printed on the  
 9 respective general ~~or special or municipal~~ election ballots the names  
 10 of the following candidates:

11 (1) Nominees chosen at a primary election under IC 3-10 and  
 12 certified as required by this chapter.

13 (2) Nominees chosen by a convention of a political party in the  
 14 state whose candidate received at least two percent (2%) of the  
 15 total vote cast for secretary of state at the last election and  
 16 certified under section 8 of this chapter.

17 (3) Nominees nominated by petition under IC 3-8-6.

18 (4) Nominees selected to fill a candidate vacancy under IC 3-13-1  
 19 or IC 3-13-2.

20 SECTION 50. IC 3-8-7-28, AS AMENDED BY P.L.194-2013,  
 21 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2015]: Sec. 28. (a) Except as provided in subsections (b) and  
 23 (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or  
 24 IC 3-10-1 desires to withdraw as the nominee, the nominee must file a  
 25 notice of withdrawal in writing with the public official with whom the  
 26 certificate of nomination was filed by noon:

27 (1) July 15 before a general ~~or municipal~~ election;

28 (2) August 1 before a municipal election in a town subject to  
 29 IC 3-8-5-10;

30 (3) on the date specified for town convention nominees under  
 31 IC 3-8-5-14.5;

32 (4) on the date specified for declared write-in candidates under  
 33 IC 3-8-2-2.7;

34 (5) on the date specified for a school board candidate under  
 35 IC 3-8-2.5-4; or

36 (6) forty-five (45) days before a special election.

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

41 (c) A candidate who has moved from the election district the  
 42 candidate sought to represent must file a notice of withdrawal





1 immediately after changing the candidate's residence. The filing  
 2 requirements of subsection (a) do not apply to a notice of withdrawal  
 3 filed under this subsection.

4 SECTION 51. IC 3-9-5-6, AS AMENDED BY P.L.164-2006,  
 5 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 6. (a) This subsection applies to a candidate's  
 7 committee other than a candidate's committee of a candidate for a state  
 8 office. Except as otherwise provided in this chapter, each committee,  
 9 the committee's treasurer, and each candidate shall complete a report  
 10 required by this chapter current and dated as of the following dates:

- 11 (1) Twenty-five (25) days before the nomination date.
- 12 (2) Twenty-five (25) days before the general ~~municipal~~, or special  
 13 election.
- 14 (3) The annual report filed and dated as required by section 10 of  
 15 this chapter.

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

- 20 (1) Twenty-five (25) days before a primary election.
- 21 (2) Twenty-five (25) days before a general ~~municipal~~, or special  
 22 election.
- 23 (3) The date of the annual report filed and dated as required under  
 24 section 10 of this chapter.

25 (c) This subsection applies to a legislative caucus committee.  
 26 Except as otherwise provided in this chapter, each committee and the  
 27 committee's treasurer shall complete a report required under this  
 28 chapter current and dated as of the following dates:

- 29 (1) Twenty-five (25) days before a primary election conducted in  
 30 an even-numbered year.
- 31 (2) Twenty-five (25) days before a general election conducted in  
 32 an even-numbered year.
- 33 (3) The date of the annual report filed and dated as required under  
 34 section 10 of this chapter.

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

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

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



1 (2) Twenty-five (25) days before a general ~~municipal~~; or special  
2 election.

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

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

10 (1) A report covering the period from January 1 through March 31  
11 of the year of the report. A report required by this subdivision  
12 must be filed not later than noon April 15 of the year covered by  
13 the report.

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

18 (3) A report covering the period from July 1 through September  
19 30 of the year of the report. A report required by this subdivision  
20 must be filed not later than noon October 15 of the year covered  
21 by the report.

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

26 (5) A report covering the period from the date that is fourteen (14)  
27 days before the date of the election through December 31 of the  
28 year of the report. A report required by this subdivision must:

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

31 (B) be filed not later than the deadline specified in section 10  
32 of this chapter.

33 SECTION 52. IC 3-9-5-9, AS AMENDED BY P.L.221-2005,  
34 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2015]: Sec. 9. (a) Except as provided in subsections (b) and  
36 (c), in a year in which a candidate is not a candidate for election to an  
37 office to which this article applies or does not seek nomination at a  
38 caucus or state convention for election to an office to which this article  
39 applies, the treasurer of the candidate's committee shall file only the  
40 report required by section 10 of this chapter.

41 (b) This subsection applies to a candidate who holds one (1) office  
42 and is a candidate for a different office (or has filed a statement of



1 organization for an exploratory committee without indicating that the  
 2 individual is a candidate for a specific office). The treasurer of the  
 3 candidate's committee for the office the candidate holds shall file the  
 4 following reports:

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

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

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

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

18 (1) is defeated at the primary election or convention; or

19 (2) withdraws or is disqualified as a candidate before the general  
 20 election.

21 The treasurer of a candidate's committee described by this subsection  
 22 is not required to file a pregeneral election report under section 6 of  
 23 this chapter but shall file the report required by section 10 of this  
 24 chapter.

25 (d) This subsection applies to a candidate for election to a city office  
 26 or a town office. If a ~~municipal~~ **primary to nominate candidates for**  
 27 **municipal offices** is not conducted in the municipality by one (1) or  
 28 more parties authorized to conduct a primary, the candidate must file  
 29 a report in accordance with the schedule set forth in section 6 of this  
 30 chapter as if the primary were conducted. If a ~~municipal~~ **general**  
 31 **election to elect candidates for municipal offices** is not conducted in  
 32 the municipality, the candidate must file a report in accordance with  
 33 section 6 of this chapter as if the ~~municipal~~ **election for municipal**  
 34 **offices** were conducted.

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

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



- 1 (2) A report covering the period from July 1 through December  
 2 31 of the year of the report. A report required by this subdivision  
 3 must:
- 4 (A) provide cumulative totals from January 1 through  
 5 December 31 of the year of the report; and  
 6 (B) be filed by the deadline specified in section 10 of this  
 7 chapter.
- 8 SECTION 53. IC 3-9-5-20.1, AS AMENDED BY P.L.221-2005,  
 9 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2015]: Sec. 20.1. (a) This section:
- 11 (1) applies only to a large contribution that is received by a  
 12 candidate, the candidate's committee, or the treasurer of the  
 13 candidate's committee; and  
 14 (2) does not apply to a candidate for a state office, the candidate's  
 15 committee, or the treasurer of the candidate's committee.
- 16 (b) As used in this section, "election" refers to any of the following:
- 17 (1) A primary election.  
 18 (2) A general election.  
 19 ~~(3) A municipal election.~~  
 20 ~~(4) (3) A special election.~~  
 21 ~~(5) (4) For candidates nominated at a state convention, the state~~  
 22 ~~convention.~~
- 23 (c) As used in this section, "large contribution" means contributions:
- 24 (1) that total at least one thousand dollars (\$1,000); and  
 25 (2) that are received:  
 26 (A) not more than twenty-five (25) days before an election;  
 27 and  
 28 (B) not less than forty-eight (48) hours before an election.
- 29 (d) The treasurer of a candidate's committee shall file a  
 30 supplemental large contribution report with the election division or a  
 31 county election board not later than forty-eight (48) hours after the  
 32 contribution is received. A candidate for a legislative office shall file  
 33 a report required by this section with the election division and the  
 34 county election board as required by section 3 of this chapter. A report  
 35 filed under this section may be filed by facsimile (fax) transmission.
- 36 (e) A report required by subsection (d) must contain the following  
 37 information for each large contribution:
- 38 (1) The name of the person making the contribution.  
 39 (2) The address of the person making the contribution.  
 40 (3) If the person making the contribution is an individual, the  
 41 individual's occupation.  
 42 (4) The total amount of the contribution.



- 1 (5) The dates and times the contributions making up the large  
 2 contribution were received by the treasurer, the candidate, or the  
 3 candidate's committee.
- 4 (f) The commission shall prescribe the form for the report required  
 5 by this section.
- 6 SECTION 54. IC 3-10-6-13 IS ADDED TO THE INDIANA CODE  
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 8 1, 2015]: **Sec. 13. This chapter expires January 1, 2016.**
- 9 SECTION 55. IC 3-10-7-36 IS ADDED TO THE INDIANA CODE  
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 11 1, 2015]: **Sec. 36. This chapter expires January 1, 2016.**
- 12 SECTION 56. IC 3-10-7.5 IS ADDED TO THE INDIANA CODE  
 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2015]:
- 15 **Chapter 7.5. Elections for Municipal Offices**
- 16 **Sec. 1. This chapter applies to an election to a municipal office**  
 17 **held after December 31, 2015.**
- 18 **Sec. 2. (a) Except as provided in section 3 of this chapter, the**  
 19 **successor of an individual elected to a municipal office at the 2015**  
 20 **municipal election shall:**
- 21 (1) be elected at the 2018 general election; and  
 22 (2) take office January 1, 2019.
- 23 (b) The successors of an individual elected to a municipal office  
 24 under subsection (a) shall:
- 25 (1) be elected at the general election held in each  
 26 nonpresidential election year;  
 27 (2) take office the following January 1; and  
 28 (3) serve a term of four (4) years.
- 29 **Sec. 3. (a) The successor of an individual elected as a judge of a**  
 30 **city or town court at the 2015 municipal election shall:**
- 31 (1) be elected at the 2020 general election; and  
 32 (2) take office January 1, 2021.
- 33 (b) The successors of an individual elected as a judge of a city or  
 34 town court under subsection (a) shall:
- 35 (1) be elected at the general election held in each presidential  
 36 election year;  
 37 (2) take office the following January 1; and  
 38 (3) serve a term of four (4) years.
- 39 **Sec. 4. The successors of an individual elected to a municipal**  
 40 **office at the 2012 general election shall:**
- 41 (1) be elected at the general election held in each presidential  
 42 election year;



1           (2) take office the following January 1; and

2           (3) serve a term of four (4) years.

3           **Sec. 5. The successors of an individual elected to a municipal**  
4 **office at the 2014 general election shall:**

5           (1) be elected at the general election held in each  
6 nonpresidential election year;

7           (2) take office the following January 1; and

8           (3) serve a term of four (4) years.

9           **Sec. 6. Candidates for election to municipal offices shall be**  
10 **nominated as provided in this title for candidates for other offices.**

11           **Sec. 7. (a) This section applies to each political party whose**  
12 **nominee received at least ten percent (10%) of the votes cast in the**  
13 **state for secretary of state at the most recent election for secretary**  
14 **of state.**

15           (b) The political party shall nominate all candidates for election  
16 to municipal offices at a primary election as provided in IC 3-10.

17           **Sec. 8. (a) This section applies to a political party:**

18           (1) not qualified to conduct a primary election under IC 3-10;  
19 and

20           (2) not required to nominate candidates by a petition of  
21 nomination under IC 3-8-6.

22           (b) The political party may conduct a convention to nominate  
23 candidates for municipal offices not later than noon on the date  
24 specified by IC 3-13-1-7(a)(1) for a major political party to act to  
25 fill a candidate vacancy.

26           (c) The chairman and secretary of the convention shall execute  
27 and acknowledge a certificate setting forth the nominees of the  
28 convention in accordance with IC 3-8-5-13. The certificate must be  
29 filed with the circuit court clerk of the county containing the  
30 greatest percentage of the population of the municipality not later  
31 than noon on the date specified by IC 3-13-1-15(c) for a major  
32 political party to file a certificate of candidate selection.

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

37           (e) A candidate's consent to the nomination must include a  
38 statement that the candidate requests the name on the candidate's  
39 voter registration record be the same as the name the candidate  
40 uses on the consent to the nomination. If there is a difference  
41 between the name on the candidate's consent to the nomination and  
42 the name on the candidate's voter registration record, the officer



1 with whom the consent to the nomination is filed shall forward the  
 2 information to the county voter registration office of the  
 3 appropriate county as required by IC 3-5-7-6(e). The county voter  
 4 registration office of the appropriate county shall change the name  
 5 on the candidate's voter registration record to be the same as the  
 6 name on the candidate's consent to the nomination.

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

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

13 (h) A county election board may not include the name of a  
 14 candidate on the ballot if the person files a notice to withdraw with  
 15 the board. The notice must:

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

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

- 25 (1) A presidential election year, for municipal offices whose  
 26 terms expire after the end of the presidential election year.
- 27 (2) A nonpresidential election year, for municipal offices  
 28 whose terms expire after the end of the nonpresidential  
 29 election year.

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

- 37 (1) upon written request of their counterpart election officers  
 38 in the county with the greatest percentage of the population  
 39 of the municipality, establish precincts in the municipality;  
 40 and
- 41 (2) supply the precincts established with poll lists and perform  
 42 all other duties under this title as if the voters were



- 1           **inhabitants of a municipality with the greatest percentage of**  
 2           **its population within that county.**  
 3           **(b) The commission shall, if necessary, implement this section by**  
 4           **orders and rules. Local governments may use IC 36-1-7 for**  
 5           **contractual agreements concerning the costs of services, supplies,**  
 6           **and equipment required.**  
 7           SECTION 57. IC 3-10-9-3, AS AMENDED BY P.L.225-2011,  
 8           SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9           JULY 1, 2015]: Sec. 3. If a local public question must be certified to an  
 10          election board by law, that certification must occur ~~no~~ **not** later than  
 11          noon:  
 12               (1) seventy-four (74) days before a primary election if the public  
 13               question is to be placed on the primary ~~or municipal~~ **primary**  
 14               election ballot; or  
 15               (2) August 1 if the public question is to be placed on the general  
 16               ~~or municipal~~ election ballot.  
 17          SECTION 58. IC 3-10-11-1 IS AMENDED TO READ AS  
 18          FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter:  
 19               (1) applies to a general, ~~municipal~~, primary, school district, and  
 20               special election; and  
 21               (2) is enacted to implement Article 2, Section 2(c) of the  
 22               Constitution of the State of Indiana.  
 23          SECTION 59. IC 3-10-11-4, AS AMENDED BY P.L.194-2013,  
 24          SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25          JULY 1, 2015]: Sec. 4. (a) Notwithstanding other provisions of this  
 26          title concerning residency requirements for voting, but subject to  
 27          subsection (b), a person described in section 2 of this chapter may vote  
 28          in the precinct of the person's former residence by executing an  
 29          affidavit described in this chapter.  
 30               (b) A person who changes residence from a location:  
 31                   (1) outside a municipality to a location within a municipality; or  
 32                   (2) within a municipality to a location outside a municipality;  
 33          less than thirty (30) days before a municipal primary election,  
 34          municipal election, or special election held only within the  
 35          municipality may not vote in the municipal primary election, municipal  
 36          election, or special election held only within the municipality in the  
 37          precinct of the person's former residence. **This subsection expires**  
 38          **January 1, 2016.**  
 39          SECTION 60. IC 3-10-12-2 IS AMENDED TO READ AS  
 40          FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. This chapter applies  
 41          to a general, ~~municipal~~, primary, school district, and special election.  
 42          SECTION 61. IC 3-10-12-3.4, AS AMENDED BY P.L.194-2013,





1 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2015]: Sec. 3.4. (a) This section applies to a voter who:

3 (1) changes residence from a precinct in a county to another  
4 precinct:

5 (A) in the same county; and

6 (B) in the same congressional district;

7 as the former precinct; and

8 (2) does not notify the county voter registration office of the  
9 change of address before election day.

10 (b) A voter described by subsection (a) may:

11 (1) correct the voter registration record; and

12 (2) vote in the precinct where the voter formerly resided;

13 if the voter makes an oral affirmation as described in subsection (e) or  
14 a written affirmation as described in section 4 of this chapter of the  
15 voter's current residence address.

16 (c) A voter who moved outside of a municipality may not return to  
17 the precinct where the voter formerly resided to vote in a ~~municipal~~ **an**  
18 election **for municipal offices of that municipality.**

19 (d) A voter who moved from a location outside a municipality to a  
20 location within a municipality before a:

21 (1) municipal primary election;

22 (2) municipal election; or

23 (3) special election held only within the municipality;

24 may not vote in the municipal primary election, municipal election, or  
25 special election held only within the municipality in the precinct of the  
26 person's former residence. **This subsection expires January 1, 2016.**

27 (e) A voter entitled to make a written affirmation under subsection  
28 (b) may make an oral affirmation. The voter must make the oral  
29 affirmation before the poll clerks of the precinct. After the voter makes  
30 an oral affirmation under this subsection, the poll clerks shall:

31 (1) reduce the substance of the affirmation to writing at an  
32 appropriate location on the poll list; and

33 (2) initial the affirmation.

34 SECTION 62. IC 3-11-1.5-11 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. The precincts  
36 established for a general ~~or municipal~~ election must be the same as the  
37 precincts established for the preceding primary election, except as  
38 provided in section 12 of this chapter.

39 SECTION 63. IC 3-11-1.5-25 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 25. **(a)** A precinct  
41 establishment order may not become effective during ~~the following~~  
42 ~~periods:~~



1           (†) In a year in which a general election is held, the period  
2           beginning on the first day that a declaration of candidacy may be  
3           filed under IC 3-8-2-4 and ending the day following general  
4           election day.

5           (2) (b) For precincts located wholly or partially within a  
6           municipality, a precinct establishment order may not become  
7           effective after January 31 and before the day following municipal  
8           election day, in a year in which a municipal election is held. **This**  
9           **subsection expires January 1, 2016.**

10          SECTION 64. IC 3-11-1.5-31, AS AMENDED BY P.L.221-2005,  
11          SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12          JULY 1, 2015]: Sec. 31. (a) This section applies to a proposed precinct  
13          establishment order that requires that a hearing by the commission be  
14          conducted under this chapter.

15          (b) After the election division has reviewed the proposed precinct  
16          establishment order, and the order has been revised, if necessary, to  
17          comply with this chapter, the commission shall:

18               (1) approve a proposed precinct establishment order under this  
19               section not later than the following January 31; and

20               (2) order that the precinct establishment order takes effect January  
21               31 of the year in which the municipal election will be held.

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

23          SECTION 65. IC 3-11-1.5-32 IS AMENDED TO READ AS  
24          FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 32. (a) The legislative  
25          body of a municipality may not change the boundary of a district  
26          established under:

27               (1) IC 36-3-4-3;

28               (2) IC 36-4-6-3;

29               (3) IC 36-4-6-4;

30               (4) IC 36-4-6-5;

31               (5) IC 36-5-1-10.1;

32               (6) IC 36-5-2-4.1; or

33               (7) IC 36-5-2-4.2;

34          after November 8 of the year preceding the year in which a municipal  
35          election is to be held and before the day following the date on which  
36          the municipal election is held except to assign territory to a municipal  
37          legislative body district in an annexation ordinance.

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

39          SECTION 66. IC 3-11-1.5-33 IS AMENDED TO READ AS  
40          FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 33. (a) If the  
41          boundaries of a municipality are extended before a municipal primary  
42          election or a municipal election, and the territory within those



1 boundaries has not been included in precincts wholly within the  
 2 municipality, the voters within the extended boundaries may vote, if  
 3 otherwise qualified, in the municipal primary election or municipal  
 4 election.

5 (b) The voters may vote in the precinct in which they have their  
 6 residence as if the precinct had been established to include them in a  
 7 precinct wholly within the municipality. These votes shall be counted  
 8 and included in the canvass of the votes cast in the municipal primary  
 9 election or municipal election.

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

11 SECTION 67. IC 3-11-3-29.4, AS AMENDED BY P.L.76-2014,  
 12 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2015]: Sec. 29.4. (a) This section applies to a candidate who  
 14 has filed with a circuit court clerk or board of elections and registration  
 15 as a candidate for:

16 (1) nomination in a primary election; ~~or municipal primary~~  
 17 ~~election;~~ or

18 (2) election to a political party office in a primary election.

19 (b) If the county election board determines by unanimous vote of the  
 20 entire membership that there is good cause to believe that a candidate  
 21 has died, the board shall not print the name of the candidate on the  
 22 primary ballot.

23 (c) However, if the county election board has already printed ballots  
 24 containing the name of the deceased candidate, the county may provide  
 25 those ballots to voters and shall not reprint the ballot to remove the  
 26 name of the deceased candidate.

27 (d) A voter who has cast a ballot containing the name of a deceased  
 28 candidate is entitled to request a replacement absentee ballot under  
 29 IC 3-11-10-1.5.

30 (e) Any vote cast for a deceased candidate in the primary election  
 31 is void.

32 SECTION 68. IC 3-11-4-10 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. Each circuit court  
 34 clerk shall:

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

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

39 estimate the number of absentee ballots that will be required in the  
 40 county for the election.

41 SECTION 69. IC 3-11-4-12.5, AS AMENDED BY P.L.219-2013,  
 42 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 12.5. (a) This section applies to an absent  
2 uniformed services voter or overseas voter.

3 (b) If a voter makes a timely application for and does not receive an  
4 absentee ballot from a county election board, the voter may use a  
5 federal write-in absentee ballot in the form prescribed by the Federal  
6 Voting Assistance Program of the United States Department of Defense  
7 and in accordance with the requirements set forth in 42 U.S.C. 1973ff-2  
8 to cast a vote by mail, electronic mail, or fax for any of the following:

9 (1) Any candidate for nomination at a primary election.

10 (2) Any candidate, political party, or public question on a general  
11 election ~~municipal election~~, or special election ballot.

12 (c) The voluntary waiver of confidentiality under section 6(h) of this  
13 chapter is not required for a federal write-in absentee ballot.

14 (d) When a county election board receives a federal write-in  
15 absentee ballot, the board shall process the ballot as prescribed by  
16 IC 3-11-10-1(b).

17 SECTION 70. IC 3-11-4-15, AS AMENDED BY P.L.66-2010,  
18 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2015]: Sec. 15. The absentee ballots that are prepared and  
20 printed under the direction of a county election board shall be delivered  
21 to the circuit court clerk (or the board acting under IC 3-6-5.2) at least  
22 fifty (50) days before a general, primary, ~~or special or municipal~~  
23 election.

24 SECTION 71. IC 3-11-8-10.3, AS AMENDED BY P.L.76-2014,  
25 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2015]: Sec. 10.3. (a) A reference to an electronic poll list in  
27 a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is  
28 considered to be a reference to an electronic poll book (as defined by  
29 IC 3-5-2-20.5), unless otherwise expressly provided in the vote center  
30 plan.

31 (b) An electronic poll book must satisfy all of the following:

32 (1) An electronic poll book must be programmed so that the  
33 coordinated action of two (2) election officers who are not  
34 members of the same political party is necessary to access the  
35 electronic poll book.

36 (2) An electronic poll book may not be connected to a voting  
37 system. However, the electronic poll book may be used in  
38 conjunction with a voting system if both the following apply:

39 (A) The electronic poll book contains a device that must be  
40 physically removed from the electronic poll book by a person  
41 and the device is inserted into the voting system, with no  
42 hardware or software connection existing between the



- 1 electronic poll book and the voting system.
- 2 (B) All ballot related data on the device is erased when the
- 3 device is removed from the voting system and before the
- 4 device is reinserted into an electronic poll book.
- 5 (3) An electronic poll book may not permit access to voter
- 6 information other than:
- 7 (A) information provided on the certified list of voters
- 8 prepared under IC 3-7-29-1; or
- 9 (B) information concerning any of the following received or
- 10 issued after the electronic poll list has been downloaded by the
- 11 county election board under IC 3-7-29-6:
- 12 (i) The county's receipt of an absentee ballot from the voter.
- 13 (ii) The county's receipt of additional documentation
- 14 provided by the voter to the county voter registration office.
- 15 (iii) The county's issuance of a certificate of error.
- 16 (4) The information contained on an electronic poll book must be
- 17 secure and placed on a dedicated, private server to secure
- 18 connectivity between a precinct polling place or satellite absentee
- 19 office and the county election board. The electronic poll book
- 20 must have the capability of:
- 21 (A) storing (in external or internal memory) a local version of
- 22 the electronic poll list; and
- 23 (B) producing a list of audit records that reflect all of the
- 24 idiosyncrasies of the system, including in-process audit
- 25 records that set forth all transactions.
- 26 (5) The electronic poll book must permit a poll clerk to enter
- 27 information regarding an individual who has appeared to vote to
- 28 verify whether the individual is eligible to vote, and if so, whether
- 29 the voter has:
- 30 (A) already cast a ballot at the election;
- 31 (B) returned an absentee ballot; or
- 32 (C) submitted any additional documentation required under
- 33 IC 3-7-33-4.5.
- 34 (6) After the voter has been provided with a ballot, the electronic
- 35 poll book must permit a poll clerk to enter information indicating
- 36 that the voter has voted at the election.
- 37 (7) The electronic poll book must transmit the information in
- 38 subdivision (6) to the county election board so that the board may
- 39 transmit the information immediately to every other polling place
- 40 or satellite absentee office in the county.
- 41 (8) The electronic poll book must permit reports to be:
- 42 (A) generated by a county election board for a watcher



- 1 appointed under IC 3-6-8 at any time during election day; and  
 2 (B) electronically transmitted by the county election board to  
 3 a political party or independent candidate who has appointed  
 4 a watcher under IC 3-6-8.
- 5 (9) On each day after absentee ballots are cast before an absentee  
 6 voter board in the circuit court clerk's office, a satellite office, or  
 7 a vote center, and after election day, the electronic poll book must  
 8 permit voter history to be quickly and accurately uploaded into  
 9 the computerized list.
- 10 (10) The electronic poll book must be able to display an electronic  
 11 image of the signature of a voter taken from the voter's  
 12 registration application, if available.
- 13 (11) The electronic poll book must be used with a signature pad,  
 14 tablet, or other signature capturing device that permits the voter  
 15 to make an electronic signature for comparison with the signature  
 16 displayed under subdivision (10). An image of the electronic  
 17 signature made by the voter on the signature pad, tablet, or other  
 18 signature capturing device must be retained and identified as the  
 19 signature of the voter for the period required for retention under  
 20 IC 3-10-1-31.1.
- 21 (12) The electronic poll book must include a bar code reader or  
 22 tablet that:
- 23 (A) permits a voter who presents an Indiana driver's license or  
 24 a state identification card issued under IC 9-24-16 to scan the  
 25 license or card through the bar code reader or tablet; and  
 26 (B) has the capability to display the voter's registration record  
 27 upon processing the information contained within the bar code  
 28 on the license or card.
- 29 (13) A printer separate from the electronic poll book used in a  
 30 vote center county may be programmed to print on the back of a  
 31 ballot card, immediately before the ballot card is delivered to the  
 32 voter, the printed initials of the poll clerks captured through the  
 33 electronic signature pad or tablet at the time the poll clerks log  
 34 into the electronic poll book system.
- 35 (14) The electronic poll book must be compatible with:
- 36 (A) any hardware attached to the electronic poll book, such as  
 37 signature pads, bar code scanners, and network cards;  
 38 (B) the statewide voter registration system; and  
 39 (C) any software system used to prepare voter information to  
 40 be included on the electronic poll book.
- 41 (15) The electronic poll book must have the ability to be used in  
 42 conformity with this title for:



- 1 (A) any type of election conducted in Indiana; or  
 2 (B) any combination of elections held concurrently with a  
 3 general election, ~~municipal election~~, primary election, or  
 4 special election.
- 5 (16) The procedures for setting up, using, and shutting down an  
 6 electronic poll book must:  
 7 (A) be reasonably easy for a precinct election officer to learn,  
 8 understand, and perform; and  
 9 (B) not require a significant amount of training in addition to  
 10 the training required by IC 3-6-6-40.
- 11 (17) The electronic poll book must enable a precinct election  
 12 officer to verify that the electronic poll book:  
 13 (A) has been set up correctly;  
 14 (B) is working correctly so as to verify the eligibility of the  
 15 voter;  
 16 (C) is correctly recording that a voter has voted; and  
 17 (D) has been shut down correctly.
- 18 (18) The electronic poll book must include the following  
 19 documentation:  
 20 (A) Plainly worded, complete, and detailed instructions  
 21 sufficient for a precinct election officer to set up, use, and shut  
 22 down the electronic poll book.  
 23 (B) Training materials that:  
 24 (i) may be in written or video form; and  
 25 (ii) must be in a format suitable for use at a polling place,  
 26 such as simple "how to" guides.  
 27 (C) Failsafe data recovery procedures for information included  
 28 in the electronic poll book.  
 29 (D) Usability tests:  
 30 (i) that are conducted by the manufacturer of the electronic  
 31 poll list book using individuals who are representative of the  
 32 general public;  
 33 (ii) that include the setting up, using, and shutting down of  
 34 the electronic poll book; and  
 35 (iii) that report their results using the ANSI/INCITS -354  
 36 Common Industry Format (CIF) for Usability Test Reports  
 37 approved by the American National Standards Institute  
 38 (ANSI) on December 12, 2001.  
 39 (E) A clear model of the electronic poll book system  
 40 architecture and the following documentation:  
 41 (i) End user documentation.  
 42 (ii) System-level documentation.



- 1 (iii) Developer documentation.
- 2 (F) Detailed information concerning:
- 3 (i) electronic poll book consumables; and
- 4 (ii) the vendor's supply chain for those consumables.
- 5 (G) Vendor internal quality assurance procedures and any
- 6 internal or external test data and reports available to the
- 7 vendor concerning the electronic poll book.
- 8 (H) Repair and maintenance policies for the electronic poll
- 9 book.
- 10 (I) As of the date of the vendor's application for approval of
- 11 the electronic poll book by the secretary of state as required by
- 12 IC 3-11-18.1-12, the following:
- 13 (i) A list of customers who are using or have previously used
- 14 the vendor's electronic poll book.
- 15 (ii) A description of any known anomalies involving the
- 16 functioning of the electronic poll book, including how those
- 17 anomalies were resolved.
- 18 (19) The electronic poll book and any hardware attached to the
- 19 electronic poll book must be designed to prevent injury or damage
- 20 to any individual or the hardware, including fire and electrical
- 21 hazards.
- 22 (20) The electronic poll book must demonstrate that it correctly
- 23 processes all activity regarding each voter registration record,
- 24 including the use, alteration, storage, and transmittal of
- 25 information that is part of the record. Compliance with this
- 26 subdivision requires the mapping of the data life cycle of the voter
- 27 registration record as processed by the electronic poll book.
- 28 (21) The electronic poll book must successfully perform in
- 29 accordance with all representations concerning functionality,
- 30 usability, security, accessibility, and sustainability made in the
- 31 vendor's application for approval of the electronic poll book by
- 32 the secretary of state as required by IC 3-11-18.1-12.
- 33 (22) The electronic poll book must have the capacity to transmit
- 34 all information generated by the voter or poll clerk as part of the
- 35 process of casting a ballot, including the time and date stamp
- 36 indicating when the voter signed the electronic poll book, and the
- 37 electronic signature of the voter, for retention on the dedicated
- 38 private server maintained by the county election board for the
- 39 period required by Indiana and federal law.
- 40 (23) The electronic poll book must:
- 41 (A) permit a voter to sign the electronic poll book even when
- 42 there is a temporary interruption in connectivity to the





- 1 Internet; and  
 2 (B) provide for the uploading of each signature and its  
 3 assignment to the voter's registration record.  
 4 SECTION 72. IC 3-11-10-26.3, AS AMENDED BY P.L.194-2013,  
 5 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 26.3. (a) A county election board may adopt a  
 7 resolution to authorize the circuit court clerk to establish satellite  
 8 offices in the county where voters may cast absentee ballots before an  
 9 absentee voter board.  
 10 (b) To be adopted under this section, a resolution must be adopted  
 11 by the unanimous vote of the board's entire membership.  
 12 (c) A resolution adopted under this section must do the following:  
 13 (1) State the locations of the satellite offices.  
 14 (2) State the hours at which absentee voting may occur at the  
 15 satellite offices.  
 16 (d) The resolution may contain other provisions the board considers  
 17 useful.  
 18 (e) If a resolution is adopted under this section for a primary  
 19 election, the locations of the satellite offices and the hours at which  
 20 absentee voting may occur at the satellite offices established for the  
 21 primary election must be used for the subsequent general ~~or municipal~~  
 22 election.  
 23 (f) If a resolution is adopted under this section, the procedure for  
 24 casting an absentee ballot at a satellite office must, except as provided  
 25 in this section, be substantially the same as the procedure for casting an  
 26 absentee ballot in the office of the circuit court clerk.  
 27 (g) A voter casting an absentee ballot under this section is entitled  
 28 to cast the voter's ballot in accordance with IC 3-11-9.  
 29 (h) A satellite office established by a circuit court clerk under this  
 30 section must comply with the polling place accessibility requirements  
 31 of IC 3-11-8.  
 32 (i) A resolution adopted under this section expires January 1 of the  
 33 year immediately after the year in which the resolution is adopted.  
 34 SECTION 73. IC 3-11-10-26.5, AS AMENDED BY P.L.219-2013,  
 35 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2015]: Sec. 26.5. (a) This section applies to:  
 37 (1) ~~a the 2015~~ municipal election;  
 38 (2) ~~a the 2015~~ primary ~~conducted in a municipal~~ election; ~~year;~~  
 39 and  
 40 (3) a special election conducted under IC 3-10-8.  
 41 (b) Notwithstanding section 26 of this chapter, a county election  
 42 board (or a town election board acting under IC 3-10-7) may adopt a



1 resolution by the unanimous vote of the board's entire membership  
 2 stating that voters are entitled to vote by absentee ballot before an  
 3 absentee voter board in the office of the circuit court clerk or town  
 4 election board during specific days and hours identified in the  
 5 resolution.

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

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

10 (2) the expense to be incurred by providing absentee ballot voting  
 11 in the office during the entire period required under section 26 of  
 12 this chapter; and

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

16 (d) This subsection does not apply to an absentee ballot challenged  
 17 under IC 3-11-4-18.5 until the challenge has been decided by the  
 18 election board. If the election board adopts a resolution under  
 19 subsection (b), an absentee ballot requested to be mailed to a voter  
 20 shall be mailed:

21 (1) on the first business day that a voter is entitled to vote by  
 22 absentee ballot before an absentee voter board in the office of the  
 23 election board following receipt of the voter's application;

24 (2) not more than five (5) days after the date of delivery of the  
 25 ballots under IC 3-11-4-15; or

26 (3) on the day of the receipt of the voter's application;

27 whichever is the latest.

28 (e) This subsection does not apply to an absentee ballot application  
 29 challenged under IC 3-11-4-18.5 until the challenge has been decided  
 30 by the election board. If the absentee ballot is requested by an absent  
 31 uniformed services voter or an overseas voter, the absentee ballot shall  
 32 be transmitted:

33 (1) not more than five (5) days after the date of delivery of the  
 34 ballots under IC 3-11-4-15; or

35 (2) on the day of the receipt of the voter's application;

36 whichever is later.

37 SECTION 74. IC 3-11-11-10 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. If an election is a  
 39 general or ~~municipal~~ election and a voter desires to vote for all the  
 40 candidates of one (1) political party or group of petitioners, the voter  
 41 may make a voting mark on or in a large circle enclosing the device  
 42 and before the name under which the candidates of the party or group



1 of petitioners are printed. The voter's vote shall then be counted for all  
 2 the candidates under that party name or for the two (2) candidates  
 3 comprising an independent ticket.

4 SECTION 75. IC 3-11-11-10.5 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10.5. (a) At a primary  
 6 election, a voter may not remain in the voting booth longer than three  
 7 (3) minutes.

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

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

14 SECTION 76. IC 3-11-13-31.7, AS AMENDED BY P.L.76-2014,  
 15 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 31.7. (a) This section is enacted to comply with  
 17 42 U.S.C. 15481 by establishing uniform and nondiscriminatory  
 18 standards to define what constitutes a vote on an optical scan voting  
 19 system.

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

23 (1) the candidates for whom the voter desires to vote by marking  
 24 the connectable arrows, circles, ovals, or squares immediately  
 25 beside:

26 (A) the candidates' names; or

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

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

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

31 (B) the number referring to the word "yes" or "no" on the  
 32 ballot.

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

36 (1) the circle enclosing the device; or

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

39 that designates the candidates of that political party or independent  
 40 ticket (described in IC 3-11-2-6). The voter's vote shall then be counted  
 41 for all the candidates of that political party or included in the  
 42 independent ticket (described in IC 3-11-2-6). However, if the voter



1 marks the circle, arrow, oval, or square of an independent ticket  
 2 (described in IC 3-11-2-6), the vote shall not be counted for any other  
 3 independent candidate on the ballot.

4 (d) This subsection applies to a voter casting a ballot on a voting  
 5 system that includes features of both an optical scan ballot card voting  
 6 system and a direct record electronic voting system. After entering into  
 7 a booth used with the voting system, the voter shall indicate the  
 8 candidates for whom the voter desires to vote and the voter's preference  
 9 on each public question by:

10 (1) inserting a paper ballot or an optical scan ballot into the voting  
 11 system; or

12 (2) using headphones to listen to a recorded list of political  
 13 parties, candidates, and public questions.

14 (e) A voter using a voting system described in subsection (d) may  
 15 indicate the voter's selections by:

16 (1) touching a device on or in the squares immediately adjacent  
 17 to the name of a political party, candidate, or response to a public  
 18 question; or

19 (2) indicating the voter's choices by using a sip puff device that  
 20 enables the voter to indicate a choice by inhaling or exhaling.

21 SECTION 77. IC 3-11-13-32.5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 32.5. (a) At a primary  
 23 election, a voter may not remain in the voting booth or compartment  
 24 longer than three (3) minutes.

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

28 (c) If a voter refuses to leave a voting booth or compartment after  
 29 the lapse of the time provided under subsection (a) or (b), the precinct  
 30 election board, or the election sheriff or sheriffs upon the order of the  
 31 board, shall immediately remove the voter from the booth or  
 32 compartment.

33 SECTION 78. IC 3-11-13-42 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 42. (a) If a county has  
 35 procured ballot card voting systems for use, the ballot card voting  
 36 systems may be used at a municipal election. If there are not sufficient  
 37 ballot card voting systems on hand for each precinct of the  
 38 municipality, the county election board shall determine in what  
 39 precincts ballot card voting systems will be used at the election.

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

41 SECTION 79. IC 3-11-13-43 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 43. (a) If ballot card



1 voting systems are used in a municipal election, the county election  
2 board shall furnish to the municipality:

- 3 (1) the requisite number of ballot card voting systems; and
- 4 (2) all the furniture and appliances that go with the ballot card  
5 voting systems.

6 (b) However, the municipality shall pay the expenses of moving the  
7 ballot card voting systems and furniture to and from the polls and also  
8 for any damage or loss to the ballot card voting systems or furniture.

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

10 SECTION 80. IC 3-11-14-23, AS AMENDED BY P.L.164-2006,  
11 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) This section is enacted to  
13 comply with 42 U.S.C. 15481 by establishing uniform and  
14 nondiscriminatory standards to define what constitutes a vote on an  
15 electronic voting system.

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

- 20 (1) the candidates for whom the voter desires to vote by touching  
21 a device on or in the squares immediately above the candidates'  
22 names;
- 23 (2) if the voter intends to cast a write-in vote, a write-in vote by  
24 touching a device on or in the square immediately below the  
25 candidates' names and printing the name of the candidate in the  
26 window provided for write-in voting; and
- 27 (3) the voter's preference on each public question by touching a  
28 device above the word "yes" or "no" under the question.

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

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

- 39 (1) permitted to verify in a private and independent manner the  
40 votes selected by the voter before the ballot is cast and counted;
- 41 (2) provided the opportunity to change the ballot or correct any  
42 error in a private and independent manner before the ballot is cast



1 and counted, including the opportunity to receive a replacement  
 2 ballot if the voter is otherwise unable to change or correct the  
 3 ballot; and

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

7 SECTION 81. IC 3-11-14-27 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 27. At a general  
 9 ~~municipal~~, or special election, a voter may not remain in the voting  
 10 booth longer than two (2) minutes.

11 SECTION 82. IC 3-11-14-33 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 33. (a) If a county has  
 13 procured electronic voting systems for use, the systems may be used at  
 14 a municipal election. If there are not sufficient systems on hand for  
 15 each precinct of the municipality, the county election board shall  
 16 determine in what precincts systems will be used at the election.

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

18 SECTION 83. IC 3-11-14-34 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) If electronic  
 20 voting systems are used in a municipal election, the county election  
 21 board shall furnish to the municipality:

22 (1) the requisite number of systems; and

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

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

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

28 SECTION 84. IC 3-11-18.1-5, AS AMENDED BY P.L.64-2014,  
 29 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2015]: Sec. 5. (a) ~~Except as provided in subsection (b)~~; A plan  
 31 must provide a vote center for use by voters residing within the county  
 32 for use in a primary election, general election, ~~or special election~~  
 33 ~~municipal primary; or municipal election~~ conducted on or after the  
 34 effective date of the county election board's order.

35 (b) ~~A plan may provide that a vote center will not be used in a~~  
 36 ~~municipal election conducted in 2015 and every four (4) years~~  
 37 ~~thereafter for some or all of the towns:~~

38 (1) ~~located within the county; and~~

39 (2) ~~having a population of less than three thousand five hundred~~  
 40 ~~(3,500).~~

41 SECTION 85. IC 3-11.7-1-4 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. Each circuit court



1 clerk shall:  
 2 (1) not less than sixty (60) days before the date on which a  
 3 general ~~or primary or municipal~~ election is held; or  
 4 (2) not more than three (3) days after the date on which a special  
 5 election is ordered;  
 6 estimate the number of provisional ballots that will be required in the  
 7 county for the election.

8 SECTION 86. IC 3-11.7-1-6 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) All provisional  
 10 ballots shall be prepared and printed under the direction of each county  
 11 election board.

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

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

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

- 20 (1) forty-five (45) days before a general ~~or primary or municipal~~  
 21 election; or  
 22 (2) thirty-two (32) days before a special election.

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

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

34 SECTION 87. IC 3-12-9-1, AS AMENDED BY P.L.230-2005,  
 35 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2015]: Sec. 1. (a) Whenever a tie vote at an election for:

- 37 (1) a federal office;  
 38 (2) a state office (other than governor and lieutenant governor);  
 39 or  
 40 (3) a legislative office;

41 occurs, a special election shall be held.

42 (b) Whenever a tie vote occurs at a primary election for the



1 nomination of a candidate to be voted for at the general ~~or municipal~~  
2 election, IC 3-13-1-17 applies.

3 SECTION 88. IC 3-13-1-1, AS AMENDED BY P.L.219-2013,  
4 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2015]: Sec. 1. Except as provided in section 18 or 20 of this  
6 chapter or IC 3-10-8-7.5, this chapter applies to the filling of a  
7 candidate vacancy that arises for any reason if the vacancy leaves a  
8 major political party without a candidate for the office and occurs  
9 before the thirtieth day before a general ~~or special or municipal~~  
10 election.

11 SECTION 89. IC 3-13-1-2 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A candidate vacancy  
13 that exists on a primary election ballot may not be filled for the primary  
14 election. The resulting vacancy on the following general ~~or municipal~~  
15 election ballot may be filled in the manner prescribed by this chapter,  
16 but only if it is filled ~~by~~ **not later than** noon June 30 before election  
17 day.

18 SECTION 90. IC 3-13-1-7 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Except as  
20 provided in subsection (b), action to fill a candidate vacancy must be  
21 taken:

- 22 (1) not later than noon June 30 after the primary election if the  
23 vacancy exists on a general ~~or municipal~~ election ballot; and
- 24 (2) within thirty (30) days after the occurrence of the vacancy, if  
25 the vacancy exists on a special election ballot, subject to section  
26 2 of this chapter.

27 (b) This subsection applies to a candidate vacancy that exists before  
28 the thirtieth day before a general ~~municipal~~; or special election and that  
29 is due to any of the following:

- 30 (1) The death of a candidate.
- 31 (2) The withdrawal of a candidate.
- 32 (3) The disqualification of a candidate under IC 3-8-1-5.
- 33 (4) A court order issued under IC 3-8-7-29(d).

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

37 SECTION 91. IC 3-13-1-16.5 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16.5. (a) All questions  
39 concerning the validity of a certificate of candidate selection filed with  
40 the election division shall be determined by the commission. A  
41 statement questioning the validity of a certificate of candidate selection  
42 must be filed with the election division under IC 3-8-1-2(c) not later





1 than noon seventy-four (74) days before the date on which the general  
2 ~~or municipal~~ election will be held for the office.

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

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

14 SECTION 92. IC 3-13-1-19 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. A person who was  
16 defeated in a primary election or in a ~~town or state~~ convention is  
17 eligible to be appointed by the political party that the person affiliated  
18 with by voting in the most recent primary election held by that party.  
19 The person selected may fill any vacancy on the party's ticket as a  
20 candidate in any general ~~municipal~~, or special election following that  
21 primary election or convention in which the vacancy occurred.  
22 However, a person is not disqualified from appointment under this  
23 section for not having voted in the most recent primary election if the  
24 appointee is certified as a member of that party by the county chairman  
25 for the county in which the appointee resides.

26 SECTION 93. IC 3-13-1-20.5, AS ADDED BY P.L.64-2014,  
27 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2015]: Sec. 20.5. (a) This section applies to a political party  
29 subject to IC 3-8-4-10, IC 3-10-2-15, or IC 3-10-6-12.

30 (b) All questions concerning the validity of a certificate of candidate  
31 selection filed under section 20 of this chapter with the election  
32 division shall be determined by the commission. A statement  
33 questioning the validity of a certificate of candidate selection must be  
34 filed with the election division under IC 3-8-1-2(c) not later than noon  
35 seventy-four (74) days before the date on which the general election  
36 will be held for the office.

37 (c) All questions concerning the validity of a certificate of candidate  
38 selection filed under section 20 of this chapter with a circuit court clerk  
39 shall be referred to and determined by the county election board. A  
40 statement questioning the validity of a certificate of candidate selection  
41 must be filed with the county election board under IC 3-8-1-2(c) not  
42 later than noon seventy-four (74) days before the date on which the



1 general ~~or municipal~~ election will be held for the office.

2 (d) The commission or a county election board shall act upon a  
3 question concerning the validity of a certificate of candidate selection  
4 not later than noon sixty (60) days before the date on which the general  
5 ~~or municipal~~ election will be held for the office.

6 SECTION 94. IC 3-13-2-1 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter applies  
8 to the filling of a candidate vacancy that exists due to the:

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

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

17 SECTION 95. IC 3-13-2-10 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. A person who was  
19 defeated in a primary election or in a ~~town or state~~ convention is  
20 eligible to be appointed by the person's own political party to fill any  
21 vacancy on the party's ticket as a candidate in any general ~~municipal~~;  
22 or special election following that primary election or convention.

23 SECTION 96. IC 3-13-8-4, AS AMENDED BY P.L.119-2005,  
24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2015]: Sec. 4. (a) This section applies to a vacancy in the  
26 city-county council of a first class city not covered by section 1 of this  
27 chapter.

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

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

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



1 IC 5-8-6.

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

9 SECTION 97. IC 33-35-1-1, AS AMENDED BY P.L.164-2006,  
10 SECTION 141, IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) During ~~2006~~ **2014** and ~~every~~  
12 ~~fourth year~~ after that, **every year before a presidential election year**,  
13 a second or third class city or a town may by ordinance establish or  
14 abolish a city or town court. An ordinance to establish a city or town  
15 court must be adopted not less than one (1) year before the judge's term  
16 would begin under section 3 of this chapter.

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

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

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

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

29 SECTION 98. IC 33-35-1-2 IS REPEALED [EFFECTIVE JULY 1,  
30 2015]. Sec. 2: (a) ~~This section applies to a town that:~~

31 ~~(1) adopts an ordinance under IC 3-10-6-2.6; and~~

32 ~~(2) subsequently adopts an ordinance to establish a town court~~  
33 ~~under section 1 of this chapter.~~

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

39 SECTION 99. IC 33-35-1-3 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The judge of a  
41 city or town court shall be elected under:

42 **(1) IC 3-10-6 or IC 3-10-7 before January 1, 2016; and**



- 1           **(2) IC 3-10-7.5 after December 31, 2015;**  
 2 by the voters of the city or town.  
 3           (b) Except as provided in subsections (c) and (d), the term of office  
 4 of a judge elected under this section is four (4) years, beginning at noon  
 5 January 1 after election and continuing until a successor is elected and  
 6 qualified.  
 7           (c) This subsection applies to a town that adopts an ordinance under  
 8 IC 3-10-6-2.6. The term of office of:  
 9           (1) a judge elected at the next municipal election not conducted  
 10 in a general election year is one (1) year; and  
 11           (2) the successors to the judge described in subdivision (1) is four  
 12 (4) years;  
 13 beginning at noon January 1 after election and continuing until a  
 14 successor is elected and qualified. **This subsection expires January**  
 15 **1, 2016.**  
 16           (d) This subsection applies to a town that adopts an ordinance under  
 17 IC 3-10-7-2.7. The term of office of:  
 18           (1) a judge elected at the next municipal election not conducted  
 19 in a general election year is three (3) years; and  
 20           (2) the successors to the judge described in subdivision (1) is four  
 21 (4) years;  
 22 beginning noon January 1 after election and continuing until a  
 23 successor is elected and qualified. **This subsection expires January**  
 24 **1, 2016.**  
 25           (e) Before beginning the duties of office, the judge shall, in the  
 26 manner prescribed by IC 5-4-1, execute a bond conditioned upon the  
 27 faithful discharge of the duties of office.  
 28           SECTION 100. IC 36-1-2-11.5 IS ADDED TO THE INDIANA  
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2015]: **Sec. 11.5. "Nonpresidential election**  
 31 **year" has the meaning set forth in IC 3-5-2-33.3.**  
 32           SECTION 101. IC 36-1-2-13.5 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2015]: **Sec. 13.5. "Presidential election year"**  
 35 **has the meaning set forth in IC 3-5-2-40.4.**  
 36           SECTION 102. IC 36-1.5-4-36, AS AMENDED BY P.L.113-2010,  
 37 SECTION 112, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2015]: Sec. 36. (a) This section applies if  
 39 section 5 of this chapter requires an election for a reorganization to  
 40 become effective.  
 41           (b) At the next:  
 42           (1) general election: ~~if:~~



1           (A) the reorganized political subdivision is not a municipality  
 2           or a school corporation; or  
 3           (B) the reorganized political subdivision results from a  
 4           reorganization including a county and at least one (1)  
 5           municipality;  
 6           (2) municipal election, if the reorganized political subdivision is  
 7           a municipality; or  
 8           (3) (2) primary or general election, as specified in an election plan  
 9           adopted in substantially identical resolutions by the legislative  
 10          body of each of the participating political subdivisions if the  
 11          reorganized political subdivision is a school corporation;  
 12          after the voters approve a reorganization, one (1) set of officers for the  
 13          reorganized political subdivision having the combined population of  
 14          the reorganizing political subdivisions shall be elected by the voters in  
 15          the territory of the reorganized political subdivision as prescribed by  
 16          statute.

17          (c) In the election described in subsection (b):  
 18                (1) one (1) member of the legislative body of the reorganized  
 19                political subdivision shall be elected from each election district  
 20                established by the reorganizing political subdivisions in  
 21                substantially identical resolutions adopted by the legislative body  
 22                of each of the reorganizing political subdivisions; and  
 23                (2) the total number of at large members shall be elected as  
 24                prescribed by statute for the reorganized political subdivision.  
 25          (d) If appointed officers are required in the reorganized political  
 26          subdivision, one (1) set of appointed officers shall be appointed for the  
 27          reorganized political subdivision. The appointments shall be made as  
 28          required by statute for the reorganized political subdivision. Any  
 29          statute requiring an appointed officer to reside in the political  
 30          subdivision where the appointed officer resides shall be treated as  
 31          permitting the appointed officer to reside in any part of the territory of  
 32          the reorganized political subdivision.

33          SECTION 103. IC 36-3-3-2 IS AMENDED TO READ AS  
 34          FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A mayor, who is  
 35          the executive of both the consolidated city and the county, shall be  
 36          elected under:

37                (1) IC 3-10-6 before January 1, 2016; and  
 38                (2) IC 3-10-7.5 after December 31, 2015;  
 39          by the voters of the whole county.  
 40                (b) To be eligible to serve as the executive, a person must meet the  
 41                qualifications prescribed by IC 3-8-1-24.  
 42                (c) The term of office of an executive is four (4) years, beginning at



1 noon on January 1 after election and continuing until a successor is  
2 elected and qualified.

3 SECTION 104. IC 36-3-4-2, AS AMENDED BY P.L.266-2013,  
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2015]: Sec. 2. (a) A city-county council, which is the  
6 legislative body of both the consolidated city and the county, shall be  
7 elected under:

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

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

10 by the voters of the county.

11 **(b)** The city-county council consists of the following members:

12 (1) Before January 1, 2016, twenty-nine (29) members.

13 (2) After December 31, 2015, twenty-five (25) members.

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

16 ~~(c)~~ **(d)** A member of the legislative body must reside within:

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

19 (2) the district from which the member was elected.

20 ~~(d)~~ **(e)** A vacancy in the legislative body occurs whenever a  
21 member:

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

23 (2) ceases to be a resident of the district from which the member  
24 was elected; or

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

27 ~~(e)~~ **(f)** The vacancy shall be filled under IC 3-13-8.

28 ~~(f)~~ **(g)** The term of office of a member of the legislative body is four  
29 (4) years, beginning at noon on January 1 after election and continuing  
30 until a successor is elected and qualified.

31 SECTION 105. IC 36-4-1-8 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Whenever the  
33 classification of a city under section 1 of this chapter changes due to a  
34 change in the city's population, the city shall be governed by the laws  
35 applicable to its new class, except as provided by subsection (b).

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



1 of the term of the elected official, despite a change in city classification  
2 for any reason.

3 SECTION 106. IC 36-4-1.5-3, AS AMENDED BY P.L.202-2013,  
4 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2015]: Sec. 3. (a) A town legislative body may satisfy the  
6 requirements of this section in an ordinance adopted either before or  
7 after the town's voters vote on the question described in section 2 of  
8 this chapter.

9 (b) If a resolution is adopted under section 2 of this chapter, the  
10 town legislative body shall adopt an ordinance providing for the  
11 transition from governance as a town to governance as a city. The  
12 ordinance adopted under this section must include the following  
13 details:

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

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

17 (A) The city executive.

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

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

21 (3) The date of the first election of the city officers. The first  
22 election may be held only on the date of the next general election  
23 ~~or municipal election, whichever is earlier,~~ following the date  
24 fixed for an election under section 2 of this chapter on the  
25 question of whether the town should be changed into a city.  
26 Candidates for election to the city offices shall be nominated:

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

29 (B) as otherwise provided in IC 3.

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

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

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

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

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

42 SECTION 107. IC 36-4-1.5-4, AS ADDED BY P.L.111-2005,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2015]: Sec. 4. (a) Notwithstanding any other law, the term of  
3 office of the city officers elected at the first election of city officers  
4 held under the ordinance adopted under section 3 of this chapter:

- 5 (1) begins on January 1 after the first election of city officers; and  
6 (2) may not extend after December 31 of the next ~~municipal~~  
7 **general** election year that occurs after the first election of city  
8 officers.

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

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

16 SECTION 108. IC 36-4-2-8 IS REPEALED [EFFECTIVE JULY 1,  
17 2015]. ~~Sec. 8: An election held under section 2 or 3 of this chapter may~~  
18 ~~not be held in a calendar year in which a general municipal election is~~  
19 ~~to be held.~~

20 SECTION 109. IC 36-4-2-10 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. At the next general  
22 ~~municipal~~ election after a vote in favor of a merger at an election held  
23 under section 2 or 3 of this chapter, one (1) set of officers for a  
24 municipality having the combined population of the merging  
25 municipalities shall be elected by the voters of the merging  
26 municipalities as prescribed by statute, except that:

- 27 (1) one (1) member of the municipal legislative body shall be  
28 elected from each district established under section 12 of this  
29 chapter; and  
30 (2) the total number of at large members prescribed by statute for  
31 the municipal legislative body shall be elected.

32 SECTION 110. IC 36-4-2-12 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) The legislative  
34 bodies of municipalities that vote to merge under this chapter shall  
35 meet in joint session at the hall of the municipality having the largest  
36 population at 8 p.m. on the second Monday of January of the next year  
37 in which a general ~~municipal~~ election is to be held. At the joint  
38 meeting, the legislative bodies shall:

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





1 The legislative bodies shall fix the district boundaries so that, as nearly  
 2 as is possible, all parts of the merging municipalities have equal  
 3 representation in the legislative body of the new municipality. The  
 4 district boundaries fixed under this subsection constitute the district  
 5 boundaries for the new municipality until they are altered by the  
 6 legislative body of the new municipality.

7 (b) If any territory in the municipality is not included in one (1) of  
 8 the districts established under subsection (a), the territory is included  
 9 in the district that:

10 (1) is contiguous to that territory; and

11 (2) contains the least population of all districts contiguous to that  
 12 territory.

13 (c) If any territory in the municipality is included in more than one  
 14 (1) of the districts established under subsection (a), the territory is  
 15 included in the district that:

16 (1) is one (1) of the districts in which the territory is described in  
 17 the joint resolution adopted under subsection (a);

18 (2) is contiguous to that territory; and

19 (3) contains the least population of all districts contiguous to that  
 20 territory.

21 (d) A copy of the joint resolution passed under subsection (a) shall  
 22 be:

23 (1) certified by the presiding officer;

24 (2) attested by the clerk; and

25 (3) filed with the legislative body of each of the merging  
 26 municipalities and the circuit court clerk of each county in which  
 27 the municipalities are located.

28 SECTION 111. IC 36-4-5-2 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A mayor, who is  
 30 the city executive, shall be elected under:

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

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

33 by the voters of each city.

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

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

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



1 city.

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

5 SECTION 112. IC 36-4-6-2 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A common  
7 council, which is the city legislative body, shall be elected under:

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

9 **(2) IC 3-10-7.5 after December 31, 2015;**  
10 by the voters of each city.

11 (b) A person is eligible to be a member of the legislative body only  
12 if the person meets the qualifications prescribed by IC 3-8-1-27.

13 (c) Residency in territory that is annexed by the city before the  
14 person files a declaration of candidacy or petition of nomination is  
15 considered residency for the purposes of subsection (b), even if the  
16 annexation takes effect less than one (1) year before the election.

17 (d) A member of the legislative body must reside within:

18 (1) the city as provided in Article 6, Section 6 of the Constitution  
19 of the State of Indiana; and

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

21 (e) A member forfeits office if the member ceases to be a resident  
22 of the district or city.

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

26 SECTION 113. IC 36-4-6-3, AS AMENDED BY P.L.271-2013,  
27 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2015]: Sec. 3. (a) This section applies only to second class  
29 cities.

30 (b) The legislative body shall adopt an ordinance to divide the city  
31 into six (6) districts that:

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

34 (2) are reasonably compact;

35 (3) do not cross precinct boundary lines, except as provided in  
36 subsection (c) or (d); and

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

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

40 (1) more than one (1) member of the legislative body elected from  
41 the districts established under subsection (b) resides in one (1)  
42 precinct established under IC 3-11-1.5 after the most recent



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



1 (k) If any territory in the city is included in more than one (1) of the  
 2 districts established under this section, the territory is included in the  
 3 district that:

- 4 (1) is one (1) of the districts in which the territory is described in  
 5 the ordinance adopted under this section;  
 6 (2) is contiguous to that territory; and  
 7 (3) contains the least population of all districts contiguous to that  
 8 territory.

9 (l) This subsection applies during the second year after a year in  
 10 which a federal decennial census is conducted. If the legislative body  
 11 determines that a division under subsection (g) is not required, the  
 12 legislative body shall adopt an ordinance recertifying that the districts  
 13 as drawn comply with this section.

14 (m) A copy of the ordinance establishing districts or a recertification  
 15 adopted under this section must be filed with the circuit court clerk of  
 16 the county that contains the greatest population of the city not later than  
 17 thirty (30) days after the ordinance or recertification is adopted. The  
 18 filing must include a map of the district boundaries:

- 19 (1) adopted under subsection (b); or  
 20 (2) recertified under subsection (l).

21 (n) The limitations set forth in this section are part of the ordinance,  
 22 but do not have to be specifically set forth in the ordinance. The  
 23 ordinance must be construed, if possible, to comply with this chapter.  
 24 If a provision of the ordinance or an application of the ordinance  
 25 violates this chapter, the invalidity does not affect the other provisions  
 26 or applications of the ordinance that can be given effect without the  
 27 invalid provision or application. The provisions of the ordinance are  
 28 severable.

29 (o) If a conflict exists between:

- 30 (1) a map showing the boundaries of a district; and  
 31 (2) a description of the boundaries of that district set forth in the  
 32 ordinance;

33 the district boundaries are the description of the boundaries set forth in  
 34 the ordinance, not the boundaries shown on the map, to the extent there  
 35 is a conflict between the description and the map.

36 SECTION 114. IC 36-4-6-4, AS AMENDED BY P.L.271-2013,  
 37 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2015]: Sec. 4. (a) This section applies to third class cities,  
 39 except as provided by section 5 of this chapter.

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



- 1 (1) are composed of contiguous territory, except for territory that  
 2 is not contiguous to any other part of the city;  
 3 (2) are reasonably compact;  
 4 (3) do not cross precinct boundary lines except as provided in  
 5 subsection (c) or (d); and  
 6 (4) contain, as nearly as is possible, equal population.
- 7 (c) The boundary of a city legislative body district may cross a  
 8 precinct boundary line if:  
 9 (1) more than one (1) member of the legislative body elected from  
 10 the districts established under subsection (b), (j), or (m) resides in  
 11 one (1) precinct established under IC 3-11-1.5 after the most  
 12 recent **municipal general** election; and  
 13 (2) following the establishment of a legislative body district  
 14 whose boundary crosses a precinct boundary line, not more than  
 15 one (1) member of the legislative body elected from the districts  
 16 resides within the same city legislative body district.
- 17 (d) The boundary of a city legislative body district may cross a  
 18 precinct line if the districts would not otherwise contain, as nearly as  
 19 is possible, equal population.
- 20 (e) A city legislative body district with a boundary described by  
 21 subsection (c) or (d) may not cross a census block boundary line:  
 22 (1) except when following a precinct boundary line; or  
 23 (2) unless the city legislative body certifies in the ordinance that  
 24 the census block has no population, and is not likely to ever have  
 25 population.
- 26 (f) The legislative body may not adopt an ordinance dividing the city  
 27 into districts with boundaries described by subsection (c) or (d) unless  
 28 the clerk of the city mails a written notice to the circuit court clerk. The  
 29 notice must:  
 30 (1) state that the legislative body is considering the adoption of an  
 31 ordinance described by this subsection; and  
 32 (2) be mailed not later than ten (10) days before the legislative  
 33 body adopts the ordinance.
- 34 (g) Except as provided in subsection (q), the division under  
 35 subsection (b), (j), or (m) shall be made:  
 36 (1) during the second year after a year in which a federal  
 37 decennial census is conducted; and  
 38 (2) when required to assign annexed territory to a district.
- 39 This division may be made at any other time, subject to IC 3-11-1.5-32.
- 40 (h) This subsection does not apply to a city with an ordinance  
 41 described by subsection (j) or (m). The legislative body is composed of  
 42 five (5) members elected from the districts established under



1 subsection (b) and two (2) at-large members.

2 (i) This subsection does not apply to a city with an ordinance  
3 described by subsection (j) or (m). Each voter of the city may vote for  
4 two (2) candidates for at-large membership and one (1) candidate from  
5 the district in which the voter resides. The two (2) at-large candidates  
6 receiving the most votes from the whole city and the district candidates  
7 receiving the most votes from their respective districts are elected to  
8 the legislative body.

9 (j) A city may adopt an ordinance under this subsection to divide the  
10 city into four (4) districts that:

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

16 (k) This subsection applies to a city with an ordinance described by  
17 subsection (j). The legislative body is composed of four (4) members  
18 elected from the districts established under subsection (j) and three (3)  
19 at-large members.

20 (l) This subsection applies to a city with an ordinance described by  
21 subsection (j). Each voter of the city may vote for three (3) candidates  
22 for at-large membership and one (1) candidate from the district in  
23 which the voter resides. The three (3) at-large candidates receiving the  
24 most votes from the whole city and the district candidates receiving the  
25 most votes from their respective districts are elected to the legislative  
26 body.

27 (m) This subsection applies only if the ordinance adopted under  
28 IC 36-4-1.5-3 by the town legislative body of a town that has a  
29 population of less than ten thousand (10,000) and that becomes a city  
30 specifies that the city legislative body districts are governed by this  
31 subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing  
32 the town into city legislative body districts may provide that:

- 33 (1) the city shall be divided into three (3) districts that:
  - 34 (A) are composed of contiguous territory;
  - 35 (B) are reasonably compact;
  - 36 (C) do not cross precinct boundary lines, except as provided in  
37 subsection (c) or (d); and
  - 38 (D) contain, as nearly as is possible, equal population; and
- 39 (2) the legislative body of the city is composed of three (3)  
40 members elected from the districts established under this  
41 subsection and two (2) at-large members.

42 Each voter of the city may vote for two (2) candidates for at-large



1 membership and one (1) candidate from the district in which the voter  
 2 resides. The two (2) at-large candidates receiving the most votes from  
 3 the whole city and the district candidates receiving the most votes from  
 4 their respective districts are elected to the legislative body.

5 (n) A copy of the ordinance establishing districts or a recertification  
 6 adopted under this section must be filed with the circuit court clerk of  
 7 the county that contains the greatest population of the city ~~no~~ **not** later  
 8 than thirty (30) days after the ordinance or recertification is adopted.  
 9 The filing must include a map of the district boundaries:

10 (1) adopted under subsection (b), (j), or (m); or

11 (2) recertified under subsection (q).

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

15 (1) is contiguous to that territory; and

16 (2) contains the least population of all districts contiguous to that  
 17 territory.

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

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

23 (2) is contiguous to that territory; and

24 (3) contains the least population of all districts contiguous to that  
 25 territory.

26 (q) This subsection applies during the second year after a year in  
 27 which a federal decennial census is conducted. If the legislative body  
 28 determines that a division under subsection (g) is not required, the  
 29 legislative body shall adopt an ordinance recertifying that the districts  
 30 as drawn comply with this section.

31 (r) The limitations set forth in this section are part of the ordinance,  
 32 but do not have to be specifically set forth in the ordinance. The  
 33 ordinance must be construed, if possible, to comply with this chapter.  
 34 If a provision of the ordinance or an application of the ordinance  
 35 violates this chapter, the invalidity does not affect the other provisions  
 36 or applications of the ordinance that can be given effect without the  
 37 invalid provision or application. The provisions of the ordinance are  
 38 severable.

39 (s) If a conflict exists between:

40 (1) a map showing the boundaries of a district; and

41 (2) a description of the boundaries of that district set forth in the  
 42 ordinance;



1 the district boundaries are the description of the boundaries set forth in  
 2 the ordinance, not the boundaries shown on the map, to the extent there  
 3 is a conflict between the description and the map.

4 SECTION 115. IC 36-4-6-5, AS AMENDED BY P.L.271-2013,  
 5 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 5. (a) This section applies to third class cities  
 7 having a population of less than ten thousand (10,000). The legislative  
 8 body of such a city may, by ordinance adopted after June 30, 2010, and  
 9 during a year in which an election of the legislative body will not  
 10 occur, decide to be governed by this section instead of section 4 of this  
 11 chapter. The legislative body districts created by an ordinance adopted  
 12 under this subsection apply to the first election of the legislative body  
 13 held after the date the ordinance is adopted. The clerk of the legislative  
 14 body shall send a certified copy of any ordinance adopted under this  
 15 subsection to the secretary of the county election board.

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

- 19 (1) are composed of contiguous territory, except for territory that
- 20 is not contiguous to any other part of the city;
- 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 (c) The boundary of a city legislative body district may cross a  
 26 precinct boundary line if:

- 27 (1) more than one (1) member of the legislative body elected from
- 28 the districts established under subsection (b) or (j) resides in one
- 29 (1) precinct established under IC 3-11-1.5 after the most recent
- 30 **municipal general** election; and
- 31 (2) following the establishment of a legislative body district
- 32 whose boundary crosses a precinct boundary line, not more than
- 33 one (1) member of the legislative body elected from the districts
- 34 resides within the same city legislative body district.

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

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

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





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



1 most votes from their respective districts are elected to the legislative  
2 body.

3 (m) This subsection applies to a city having a population of less than  
4 seven thousand (7,000). A legislative body of such a city that has, by  
5 resolution adopted before May 7, 1991, decided to continue an election  
6 process that permits each voter of the city to vote for one (1) candidate  
7 at large and one (1) candidate from each of its four (4) council districts  
8 may hold elections using that voting arrangement. The at-large  
9 candidate and the candidate from each district receiving the most votes  
10 from the whole city are elected to the legislative body. The districts  
11 established in cities adopting such a resolution may cross precinct  
12 boundary lines.

13 (n) A copy of the ordinance establishing districts or a recertification  
14 under this section must be filed with the circuit court clerk of the  
15 county that contains the greatest population of the city not later than  
16 thirty (30) days after the ordinance or recertification is adopted. The  
17 filing must include a map of the district boundaries:

- 18 (1) adopted under subsection (b) or (j); or  
19 (2) recertified under subsection (q).

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

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

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

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

34 (q) This subsection applies during the second year after a year in  
35 which a federal decennial census is conducted. If the legislative body  
36 determines that a division under subsection (b) or (j) is not required,  
37 the legislative body shall adopt an ordinance recertifying that the  
38 districts as drawn comply with this section.

39 (r) The limitations set forth in this section are part of the ordinance,  
40 but do not have to be specifically set forth in the ordinance. The  
41 ordinance must be construed, if possible, to comply with this chapter.  
42 If a provision of the ordinance or an application of the ordinance



1 violates this chapter, the invalidity does not affect the other provisions  
 2 or applications of the ordinance that can be given effect without the  
 3 invalid provision or application. The provisions of the ordinance are  
 4 severable.

5 (s) If a conflict exists between:

6 (1) a map showing the boundaries of a district; and

7 (2) a description of the boundaries of that district set forth in the  
 8 ordinance;

9 the district boundaries are the description of the boundaries set forth in  
 10 the ordinance, not the boundaries shown on the map, to the extent there  
 11 is a conflict between the description and the map.

12 SECTION 116. IC 36-5-1-10.1, AS AMENDED BY P.L.219-2013,  
 13 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2015]: Sec. 10.1. (a) If a majority of the voters voting on the  
 15 public question under section 8 of this chapter vote "yes", the county  
 16 executive shall adopt an ordinance incorporating the town.

17 (b) An ordinance adopted under subsection (a) must:

18 (1) either:

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

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

24 (2) direct the county election board to conduct an election in the  
 25 town on the date of the next general ~~or municipal~~ election to be  
 26 held in any precincts in the county.

27 An election conducted under this section must comply with IC 3  
 28 concerning town elections. If the date that an ordinance is adopted  
 29 under this section is not later than June 1 of a general ~~or municipal~~  
 30 election year, the election must be conducted on the date of the next  
 31 general ~~or municipal~~ election held in any precincts in the county after  
 32 the election for which absentee balloting is being conducted. However,  
 33 a primary election may not be conducted before an election conducted  
 34 under this section, regardless of the population of the town.

35 (c) Districts established by an ordinance adopted under this section  
 36 must comply with IC 3-11-1.5.

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

40 (1) is contiguous to that territory; and

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



1 (e) If any territory in the town is included in more than one (1) of the  
 2 districts established under this section, the territory is included in the  
 3 district that:

- 4 (1) is one (1) of the districts in which the territory is described in  
 5 the ordinance adopted under this section;  
 6 (2) is contiguous to that territory; and  
 7 (3) contains the least population of all districts contiguous to that  
 8 territory.

9 (f) Except as provided in subsection (g), an ordinance adopted under  
 10 this section becomes effective when filed with:

- 11 (1) the office of the secretary of state; and  
 12 (2) the circuit court clerk of each county in which the town is  
 13 located.

14 (g) An ordinance incorporating a town under this section may not  
 15 take effect during the year preceding a year in which a federal  
 16 decennial census is conducted. An ordinance under this section that  
 17 would otherwise take effect during the year preceding a year in which  
 18 a federal decennial census is conducted takes effect January 1 of the  
 19 year in which a federal decennial census is conducted.

20 (h) Each county that contains a part of the proposed town must  
 21 adopt identical ordinances providing for the incorporation of the town.

22 (i) Notwithstanding subsection (g) as that subsection existed on  
 23 December 31, 2009, an ordinance that took effect January 2, 2010,  
 24 because of the application of subsection (g), as that subsection existed  
 25 on December 31, 2009, is instead considered to take effect January 1,  
 26 2010, without the adoption of an ordinance or an amended ordinance  
 27 or any other additional action being required.

28 SECTION 117. IC 36-5-1.1-10.6, AS AMENDED BY  
 29 P.L.113-2010, SECTION 128, IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10.6. (a) This section  
 31 applies to included towns.

32 (b) The dissolution of a town under this section may be instituted by  
 33 filing a petition with the county board of registration. The petition must  
 34 be signed by at least the number of the registered voters of the town  
 35 required to place a candidate on the ballot under IC 3-8-6-3. The  
 36 petition must be filed not later than June 1 of a year in which a general  
 37 ~~or municipal~~ election will be held.

38 (c) If a petition meets the criteria set forth in subsection (b), the  
 39 county board of registration shall certify the public question to the  
 40 county election board under IC 3-10-9-3. The county election board  
 41 shall place the question of dissolution on the ballot provided for voters  
 42 in the included town at the first general ~~or municipal~~ election following



1 certification. The question shall be placed on the ballot in the form  
 2 prescribed by IC 3-10-9-4 and must state "Shall the town of \_\_\_\_\_  
 3 dissolve?".

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

8 (1) The circuit court clerk of the county.

9 (2) The office of the secretary of state.

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

11 (1) at least sixty (60) days after certification under IC 3-12-4-9;  
 12 and

13 (2) when the certification is filed under subsection (d).

14 (f) A dissolution under this section may not take effect during the  
 15 year preceding a year in which a federal decennial census is conducted.  
 16 A dissolution under this section that would otherwise take effect during  
 17 the year preceding a year in which the federal decennial census is  
 18 conducted takes effect January 1 of the year in which a federal  
 19 decennial census is conducted.

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

21 (1) the territory included within the town when the ordinance was  
 22 adopted becomes a part of the consolidated city;

23 (2) the books and records of the town become the property of the  
 24 county executive;

25 (3) the property owned by the town after payment of debts and  
 26 liabilities shall be disposed of by the county executive; and

27 (4) the county executive shall deposit any proceeds remaining  
 28 after payment of debts and liabilities into the county general fund.

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

31 (i) Notwithstanding subsection (f) as that subsection existed on  
 32 December 31, 2009, a dissolution 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 any additional action being required.

36 SECTION 118. IC 36-5-2-2 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The town council  
 38 elected under:

39 (1) IC 3-10-6 or IC 3-10-7 **before January 1, 2016; and**

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

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



1 SECTION 119. IC 36-5-2-3 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as  
 3 provided in subsection (b), (c), (d), (e), or (f), the term of office of a  
 4 member of the legislative body is four (4) years, beginning at noon  
 5 January 1 after the member's election and continuing until the  
 6 member's successor is elected and qualified.

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

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

14 (2) continues until noon January 1 following the next ~~municipal~~  
 15 **general** election scheduled under:

16 (A) IC 3-10-6-5 or IC 3-10-7-6 **before January 1, 2016; and**

17 (B) **IC 3-10-7.5 after December 31, 2015;**

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

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

21 (1) begins at noon November 30 following the election; and

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

24 (A) IC 3-10-6-5 or IC 3-10-7-6 **before January 1, 2016; and**

25 (B) **IC 3-10-7.5 after December 31, 2015;**

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

27 (d) The term of office of a member of the legislative body subject  
 28 to IC 3-10-6-2.5(d)(1) is three (3) years, beginning at noon January 1  
 29 after the member's election and continuing until the member's  
 30 successor is elected and qualified. **This subsection expires January**  
 31 **1, 2016.**

32 (e) The term of office of a member of a legislative body subject to  
 33 an ordinance described by IC 3-10-6-2.6 is one (1) year, beginning at  
 34 noon January 1 after the member's election and continuing until the  
 35 member's successor is elected and qualified. **This subsection expires**  
 36 **January 1, 2016.**

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

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

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



1 beginning noon January 1 after election and continuing until a  
 2 successor is elected and qualified. **This subsection expires January**  
 3 **1, 2016.**

4 SECTION 120. IC 36-5-2-4.1, AS AMENDED BY P.L.271-2013,  
 5 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 4.1. (a) The legislative body may, by ordinance,  
 7 divide the town into districts for the purpose of conducting elections of  
 8 town officers.

9 (b) A town legislative body district must comply with the following  
 10 standards:

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

13 (2) The district must be reasonably compact.

14 (3) The district must contain, as nearly as is possible, equal  
 15 population.

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

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

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

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

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

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

32 (1) is contiguous to that territory; and

33 (2) contains the least population of all districts contiguous to that  
 34 territory.

35 (e) If any territory in the town is included in more than one (1) of the  
 36 districts established under this section, the territory is included in the  
 37 district that:

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

40 (2) is contiguous to that territory; and

41 (3) contains the least population of all districts contiguous to that  
 42 territory.



1 (f) The ordinance may be appealed in the manner prescribed by  
 2 IC 34-13-6. If the town is located in two (2) or more counties, the  
 3 appeal may be filed in the circuit or superior court of any of those  
 4 counties.

5 (g) This subsection does not apply to a town with an ordinance  
 6 described by subsection (h). Except as provided in subsection (k), the  
 7 division permitted by subsection (a) shall be made:

- 8 (1) during the second year after a year in which a federal  
 9 decennial census is conducted, subject to IC 3-11-1.5-32; and  
 10 (2) when required to assign annexed territory to a municipal  
 11 legislative body district.

12 The division may also be made in any other year.

13 (h) This subsection applies to a town having a population of less  
 14 than three thousand five hundred (3,500). The town legislative body  
 15 may adopt an ordinance providing that:

- 16 (1) town legislative body districts are abolished; and  
 17 (2) all members of the legislative body are elected at large.

18 (i) An ordinance described by subsection (h):

- 19 (1) may not be adopted or repealed during a year in which a  
 20 **municipal general** election is scheduled to be conducted in the  
 21 town under:

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

- 24 (2) is effective upon passage.

25 (j) A copy of the ordinance establishing districts or a recertification  
 26 under this section must be filed with the circuit court clerk of the  
 27 county that contains the greatest population of the town not later than  
 28 thirty (30) days after the ordinance or recertification is adopted. The  
 29 filing must include a map of the district boundaries:

- 30 (1) adopted under subsection (a); or  
 31 (2) recertified under subsection (k).

32 (k) This subsection applies during the second year after a year in  
 33 which a federal decennial census is conducted. If the legislative body  
 34 determines that a division under subsection (a) is not required, the  
 35 legislative body shall adopt an ordinance recertifying that the districts  
 36 as drawn comply with this section.

37 (l) The limitations set forth in this section are part of the ordinance,  
 38 but do not have to be specifically set forth in the ordinance. The  
 39 ordinance must be construed, if possible, to comply with this chapter.  
 40 If a provision of the ordinance or an application of the ordinance  
 41 violates this chapter, the invalidity does not affect the other provisions  
 42 or applications of the ordinance that can be given effect without the





1 invalid provision or application. The provisions of the ordinance are  
2 severable.

3 (m) If a conflict exists between:

4 (1) a map showing the boundaries of a district; and

5 (2) a description of the boundaries of that district set forth in the  
6 ordinance;

7 the district boundaries are the description of the boundaries set forth in  
8 the ordinance, not the boundaries shown on the map, to the extent there  
9 is a conflict between the description and the map.

10 SECTION 121. IC 36-5-2-4.2 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.2. (a) This section  
12 applies to the alteration of the number of members of a legislative  
13 body.

14 (b) The legislative body may adopt a resolution to submit a public  
15 question on the number of legislative body members to the voters of the  
16 town. The resolution must state the following:

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

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

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

23 "Shall the number of town council members be increased (or  
24 decreased, if applicable) from \_\_\_\_\_ (insert the current  
25 number of members provided for) to \_\_\_\_\_ (insert the  
26 number of members proposed in the resolution)?".

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

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

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



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

7 SECTION 122. IC 36-5-2-4.5 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.5. (a) This section  
 9 applies to a town if both of the following apply:

10 (1) The town has a population of more than ten thousand  
 11 (10,000).

12 (2) The town legislative body adopts an ordinance adopting the  
 13 provisions of this section. A town may not adopt an ordinance  
 14 under this section during a year in which ~~municipal elections are~~  
 15 **a general election is held under:**

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

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

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

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

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

23 (c) An ordinance adopted under this section must provide for the  
 24 following:

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

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

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

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

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

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

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

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

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

42 (A) Two (2) members elected under subdivision (1) are



- 1 elected to a four (4) year term and two (2) members elected  
 2 under subdivision (1) are elected to a ~~three (3)~~ **two (2)** year  
 3 term.
- 4 (B) Two (2) members elected under subdivision (2) are elected  
 5 to a four (4) year term and one (1) member elected under  
 6 subdivision (2) is elected to a ~~three (3)~~ **two (2)** year term.
- 7 The ordinance must provide a random procedure to determine  
 8 which members serve four (4) year terms and which members  
 9 serve ~~three (3)~~ **two (2)** year terms.
- 10 (5) A member of the town council elected after the elections  
 11 described in subdivision (4) serves a term of four (4) years.
- 12 (6) The term of office of a member begins at noon January 1 after  
 13 the member's election.
- 14 (d) An ordinance adopted under this section may provide that before  
 15 the first election after adoption of the ordinance, members of the town  
 16 legislative body added to the legislative body by the ordinance may be  
 17 appointed to the legislative body by a vote of the current members of  
 18 the legislative body.
- 19 (e) After the first two (2) elections held as described in subsection  
 20 (c)(4), the town legislative body may adopt an ordinance to do the  
 21 following:
- 22 (1) Divide the town into seven (7) districts.
- 23 (2) Provide that the members elected at large are each elected  
 24 from a district.
- 25 An ordinance adopted under this subsection must comply with this  
 26 chapter in establishing the districts and provide details to provide a  
 27 transition from electing two (2) members at large to electing all  
 28 members from districts.
- 29 (f) Subject to this section, members of the town legislative body are  
 30 elected as provided in:
- 31 **(1) IC 3-10-6-4.5 before January 1, 2016; and**  
 32 **(2) IC 3-10-7.5 after December 31, 2015.**
- 33 SECTION 123. IC 36-5-6-3 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The  
 35 clerk-treasurer must reside within the town as provided in Article 6,  
 36 Section 6 of the Constitution of the State of Indiana. The clerk-treasurer  
 37 forfeits office if the clerk-treasurer ceases to be a resident of the town.
- 38 (b) Except as provided in subsection (c) or (d), the term of office of  
 39 the clerk-treasurer is four (4) years, beginning at noon January 1 after  
 40 election and continuing until a successor is elected and qualified.
- 41 (c) The term of office of a clerk-treasurer elected under  
 42 IC 36-5-1-10.1 following the incorporation of the town:



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

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

6 and until the clerk-treasurer's successor is elected and qualified.

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

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

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

15 **This subsection expires January 1, 2016.**

16 (e) The term of office of a clerk-treasurer subject to an ordinance  
 17 described by IC 3-10-7-2.7 is:

- 18 (1) three (3) years if the clerk-treasurer is elected at the next  
 19 municipal election not conducted in a general election year; and  
 20 (2) four (4) years for the successors of the clerk-treasurer  
 21 described in subdivision (1);

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

24 **This subsection expires January 1, 2016.**

25 SECTION 124. IC 36-10-3-35 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 35. (a) If the fiscal  
 27 body approves the petition and adopts the ordinance presented under  
 28 section 34 of this chapter, the ordinance takes effect.

29 (b) After the adoption of the ordinance, the fiscal body shall certify  
 30 the question under IC 3-10-9-3 to the county election board of the  
 31 county containing the greatest percentage of population of the  
 32 municipality and fix a date for a special election to be held not later  
 33 than ninety (90) days after adoption. However, if a primary ~~or~~ general  
 34 ~~or municipal~~ election will be conducted in each precinct in the affected  
 35 area not later than six (6) months after the ordinance is adopted, the  
 36 special election shall be conducted on the same day as the primary ~~or~~  
 37 general ~~or special~~ election. The election shall be held by the county  
 38 election board in the area described in the petition. IC 3-10-8-6 applies  
 39 to the special election. Any voter residing in the affected area may vote  
 40 in the election.

41 (c) The county election board shall give public notice of the special  
 42 election in accordance with IC 3-10-2-2.



1 (d) The ballot must be in the form prescribed by IC 3-10-9-4 and  
2 must state "Shall park and recreation services be extended?".

3 (e) If the special election is not conducted at a general election  
4 ~~municipal election~~, or primary election, the fiscal body shall  
5 appropriate a sum sufficient to defray the cost of the ballots and to pay  
6 the expense of the election as prescribed by IC 3. The appropriation  
7 may be from the general fund or by transfer from the operating budget  
8 of the department.

9 SECTION 125. [EFFECTIVE JULY 1, 2015] (a) **The legislative**  
10 **services agency shall prepare legislation for introduction in the**  
11 **2016 regular session of the general assembly to make appropriate**  
12 **changes in statutes as required by this act.**

13 (b) **This SECTION expires June 30, 2016.**

