



February 17, 2026

ENGROSSED HOUSE BILL No. 1055

DIGEST OF HB 1055 (Updated February 16, 2026 12:05 pm - DI 149)

Citations Affected: IC 3-5; IC 3-6; IC 3-8; IC 3-10; IC 3-11; IC 3-12; IC 3-13; IC 5-4; IC 33-35; IC 36-1; IC 36-1.5; IC 36-3; IC 36-4; IC 36-5; noncode.

Synopsis: Municipal elections. Moves, as a general rule, elections of town officers to even-numbered years. Allows a town with a population of more than 10,000 to opt out of the general rule by resolution. Allows a city to pass a resolution to opt in to the general rule. Makes conforming changes.

Effective: Upon passage; July 1, 2026.

**Meltzer, Zimmerman, Lawson,
Bascom**

(SENATE SPONSOR — KOCH)

December 5, 2025, read first time and referred to Committee on Elections and Apportionment.

January 14, 2026, reported — Do Pass.

January 20, 2026, read second time, ordered engrossed.

January 21, 2026, engrossed.

January 22, 2026, read third time, passed. Yeas 59, nays 35.

SENATE ACTION

January 26, 2026, read first time and referred to Committee on Elections.

February 16, 2026, amended, reported favorably — Do Pass.

EH 1055—LS 6186/DI 144



February 17, 2026

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1055

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 3-5-1-3 IS ADDED TO THE INDIANA CODE AS
2 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]: **Sec. 3. (a) Whenever a statute in this title, IC 6, IC 20,**
4 **or IC 36 refers to a municipal primary election, the reference is to**
5 **the primary election in a municipality at which candidates are**
6 **nominated for election to municipal offices, as applicable to the**
7 **municipality under IC 3-10-5.5 or IC 3-10-6.**

8 (b) Whenever a statute in this title, IC 6, IC 20, or IC 36 refers
9 to a municipal election or a municipal general election, the
10 reference is to the general election in a municipality at which
11 candidates are elected to municipal offices, as applicable to the
12 municipality under IC 3-10-5.5 or IC 3-10-6.

13 SECTION 2. IC 3-5-2.1-68.5 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: **Sec. 68.5. "Nonpresidential**
16 **election year" refers to an even-numbered year that is not a**
17 **presidential election year.**

EH 1055—LS 6186/DI 144



1 SECTION 3. IC 3-5-2.1-82.8 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 82.8. "Presidential election**
 4 **year" refers to a year in which an election for electors for**
 5 **President of the United States is held.**

6 SECTION 4. IC 3-5-3-8, AS AMENDED BY P.L.74-2017,
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 8. (a) ~~Except as provided in subsection (b);~~
 9 During the period that begins ninety (90) days before a municipal
 10 primary election and continues until the day after the following
 11 municipal election, all expenses of the primary election and election
 12 that cannot be chargeable directly to any municipality shall be
 13 apportioned as follows:

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

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

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

21 ~~(c)~~ (b) This subsection applies to a county that is designated as a
 22 vote center county under IC 3-11-18.1. During the period that begins
 23 ninety (90) days before a municipal primary election and continues
 24 until the day after the following municipal election, all expenses
 25 incurred by the county in conducting the municipal primary election
 26 and municipal election shall be apportioned among the municipalities
 27 in the county holding a municipal primary and municipal election.

28 SECTION 5. IC 3-5-3-9, AS AMENDED BY P.L.74-2017,
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 9. (a) Except as provided in ~~subsections (c)~~
 31 ~~and (d);~~ **subsection (c)**, whenever more than one (1) municipality in a
 32 county conducts a municipal primary election, the seventy-five percent
 33 (75%) of expenses that cannot be chargeable directly to any particular
 34 municipality under section 8 of this chapter shall be apportioned to
 35 each municipality in the same ratio that the number of voters who cast
 36 a ballot in the municipality at the municipal primary election bears to
 37 the total number of voters who cast a ballot in all of the municipalities
 38 in the county at that municipal primary election.

39 (b) Except as provided in ~~subsections (c) and (d);~~ **subsection (c)**,
 40 whenever more than one (1) municipality in a county conducts a
 41 municipal election, the seventy-five percent (75%) of expenses that are
 42 not chargeable directly to any particular municipality under section 8



1 of this chapter must be apportioned to each municipality in the same
 2 ratio that the number of voters who cast a ballot in the municipality at
 3 the municipal election bears to the total number of voters who cast a
 4 ballot in all of the municipalities in the county that conducted a
 5 municipal election.

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

10 ~~(d) (c) This subsection~~

11 ~~(1) applies to a county designated as a vote center county under~~
 12 ~~IC 3-11-18.1. and~~

13 ~~(2) does not apply to a town that has entered into an agreement~~
 14 ~~with the county under IC 3-10-7-4 to pay the county a fixed~~
 15 ~~amount for its municipal primary election and municipal election~~
 16 ~~expenses.~~

17 All expenses incurred by the county in conducting the municipal
 18 primary election and municipal election shall be apportioned to each
 19 municipality in the same ratio that the number of voters who cast a
 20 ballot in the municipality at the municipal primary election or the
 21 municipal election bears to the total number of voters who cast a ballot
 22 in all of the municipalities in the county at that municipal primary
 23 election or municipal election.

24 SECTION 6. IC 3-6-5-14, AS AMENDED BY P.L.258-2013,
 25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 14. (a) Each county election board, in addition
 27 to duties otherwise prescribed by law, shall do the following:

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

31 (2) Prepare all ballots.

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

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

38 SECTION 7. IC 3-6-5-15, AS AMENDED BY P.L.74-2017,
 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 15. (a) Except as provided in subsection (b),
 41 this section applies when an election is conducted in a political
 42 subdivision (as defined in IC 36-1-2-13 and other than a county) that



1 contains territory in more than one (1) county.

2 (b) This section does not apply to an election

3 ~~(1)~~ conducted at the same time as a primary or general election
4 during an even-numbered year. ~~or~~

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

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

20 SECTION 8. IC 3-6-6-27 IS REPEALED [EFFECTIVE UPON
21 PASSAGE]. ~~Sec. 27: The county executive shall fix the compensation
22 paid under sections 25 and 26 of this chapter for all elections except
23 municipal elections held by towns under IC 3-10-7. The fiscal body of
24 a town holding a municipal election under IC 3-10-7 shall fix the
25 compensation paid under sections 25 and 26 of this chapter.~~

26 SECTION 9. IC 3-8-5-14.3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.3. If a
28 convention or a primary election is not required under section 10 of this
29 chapter: ~~notwithstanding IC 3-10-7:~~

30 (1) a municipal primary election or town convention may not be
31 held; and

32 (2) each candidate who filed a declaration of candidacy shall be
33 placed on the municipal election ballot. ~~unless IC 3-10-7-6(b)
34 applies.~~

35 SECTION 10. IC 3-8-5-14.5, AS AMENDED BY P.L.278-2019,
36 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 14.5. (a) A town election board or circuit
38 court clerk conducting a municipal election under ~~IC 3-10-7~~
39 **IC 3-10-5.5 or IC 3-10-6** may not include the name of a candidate
40 nominated by a town convention on the municipal election ballot if the
41 person files a notice to withdraw with the clerk. The circuit court clerk
42 shall notify the town election board of any candidate withdrawal filed



1 under this subsection not later than the deadline for the clerk to file a
 2 copy of the certification of nomination under section 13(e) of this
 3 chapter.

4 (b) The notice to withdraw must:

5 (1) be signed and acknowledged before an officer authorized to
 6 take acknowledgments of deeds;

7 (2) have the certificate of acknowledgment appended to the
 8 notice; and

9 (3) be filed with the clerk no later than noon three (3) days
 10 following the adjournment of the convention.

11 SECTION 11. IC 3-8-6-11, AS AMENDED BY P.L.194-2013,
 12 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 11. (a) Whenever a town is wholly or partly
 14 located in a county having a consolidated city, a petition of nomination
 15 must be filed with the circuit court clerk of the county having the
 16 consolidated city.

17 ~~(b) Whenever a town not described in subsection (a) has entered~~
 18 ~~into an agreement with a county under IC 3-10-7-4, the petition must~~
 19 ~~be filed with the county voter registration office of that county.~~

20 ~~(c) (b) When a petition is filed under subsection (a) or (b) for~~
 21 ~~nomination to an office whose election district is in more than one (1)~~
 22 ~~county, the circuit court clerk or board of registration shall examine the~~
 23 ~~voter registration records of each county in the election district to~~
 24 ~~determine if each petitioner is eligible to vote for the candidates being~~
 25 ~~nominated by the petition.~~

26 SECTION 12. IC 3-10-5.5 IS ADDED TO THE INDIANA CODE
 27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]:

29 **Chapter 5.5. Elections for Municipal Offices**

30 **Sec. 1. (a) Except as provided in subsection (b), this chapter**
 31 **applies to an election for a municipal office after June 30, 2026, for**
 32 **a:**

33 **(1) town that has a population of not more than ten thousand**
 34 **(10,000);**

35 **(2) town that has a population of more than ten thousand**
 36 **(10,000) that has not adopted a resolution under section 2 of**
 37 **this chapter; and**

38 **(3) city that has adopted a resolution under section 2 of this**
 39 **chapter.**

40 **(b) This chapter does not apply to the town of Vernon**
 41 **(incorporated under Local Acts 1851, c.1, as amended).**

42 **Sec. 2. (a) The legislative body (as defined in IC 36-1-2-9) of a**



1 town that has a population of more than ten thousand (10,000) may
 2 adopt a resolution, by majority vote, not later than December 1,
 3 2026, providing that the municipality elects to hold municipal
 4 elections on odd-numbered years under IC 3-10-6.

5 (b) The legislative body (as defined in IC 36-1-2-9) of a city may
 6 adopt a resolution, by majority vote, not later than December 1,
 7 2026, providing that the municipality elects to hold municipal
 8 elections during the general election in each presidential year.

9 (c) Except as provided in section 6(a), 6(b), and 6(c) of this
 10 chapter, if a legislative body:

11 (1) of a town that has a population of more than ten thousand
 12 (10,000) does not adopt a resolution under subsection (a); or

13 (2) of a city does adopt a resolution under subsection (b);

14 this chapter applies to the municipality.

15 (d) A copy of a resolution adopted under subsection (a) or (b)
 16 shall be filed with the secretary of state.

17 Sec. 3. (a) An individual elected to a municipal office at the 2023
 18 municipal election is entitled to hold over after the expiration of the
 19 individual's term until a successor has been elected and qualified
 20 under subsection (b).

21 (b) The successor of an individual elected to a municipal office
 22 at the 2023 municipal election shall:

23 (1) be elected at the 2028 general election; and

24 (2) take office at noon on January 1, 2029.

25 (c) The successors of an individual elected to a municipal office
 26 under subsection (b) shall:

27 (1) be elected at the general election held in each presidential
 28 election year;

29 (2) take office the following January 1 at noon; and

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

31 Sec. 4. (a) An individual elected as a judge of a city or town
 32 court at the 2023 municipal election is entitled to hold over after
 33 the expiration of the individual's term until a successor has been
 34 elected and qualified under subsection (b).

35 (b) The successor of an individual elected as a judge of a city or
 36 town court at the 2023 municipal election shall:

37 (1) be elected at the 2028 general election; and

38 (2) take office at noon on January 1, 2029.

39 (c) The successors of an individual elected as a judge of a city or
 40 town court under subsection (b) shall:

41 (1) be elected at the general election held in each presidential
 42 election year;



1 (2) take office the following January 1 at noon; and
 2 (3) serve a term of four (4) years.
 3 **Sec. 5. Except as provided in section 6 of this chapter, the**
 4 **successors of an individual elected to a municipal office at the 2022**
 5 **general election shall:**
 6 (1) be elected at the general election held in each
 7 nonpresidential election year;
 8 (2) take office the following January 1 at noon; and
 9 (3) serve a term of four (4) years.
 10 **Sec. 6. (a) This subsection applies to an individual elected to a**
 11 **municipal office at the 2022 general election in a:**
 12 (1) town that has a population of more than ten thousand
 13 (10,000) that has adopted a resolution under section 2(a) of
 14 this chapter; or
 15 (2) city that has not adopted a resolution under section 2(b) of
 16 this chapter.
 17 **An individual described in this subsection is entitled to hold over**
 18 **after the expiration of the individual's term until a successor has**
 19 **been elected. The successor of an individual described in this**
 20 **subsection shall be elected under IC 3-10-6 at the 2027 municipal**
 21 **election.**
 22 **(b) This subsection applies to an individual elected to a**
 23 **municipal office at the 2023 municipal election in a:**
 24 (1) town that has a population of more than ten thousand
 25 (10,000) that has adopted a resolution under section 2(a) of
 26 this chapter; or
 27 (2) city that has not adopted a resolution under section 2(b) of
 28 this chapter.
 29 **The successor of an individual described in this subsection shall be**
 30 **elected under IC 3-10-6 at the 2027 municipal election.**
 31 **(c) Except as otherwise provided by law, the successors of an**
 32 **individual elected under subsection (a) or (b) shall:**
 33 (1) be elected at the municipal election held in each
 34 odd-numbered year before a presidential election year under
 35 IC 3-10-6;
 36 (2) take office the following January 1; and
 37 (3) serve a term of four (4) years.
 38 **Sec. 7. The successors of an individual elected to a municipal**
 39 **office at the 2024 general election shall:**
 40 (1) be elected at the general election held in each presidential
 41 election year;
 42 (2) take office the following January 1; and



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

2 **Sec. 8. (a) This section applies to each political party whose**
 3 **nominee received at least ten percent (10%) of the votes cast for**
 4 **secretary of state at the most recent election for secretary of state.**

5 **(b) The political party shall nominate all candidates for election**
 6 **to municipal offices at a primary election as provided in this**
 7 **article.**

8 **Sec. 9. (a) This section applies to a candidate of a political party:**

9 **(1) not qualified to conduct a primary election under this**
 10 **article; and**

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

13 **(b) Notwithstanding IC 3-10-6-1, a candidate for election to a**
 14 **municipal office must be nominated at a convention in the manner**
 15 **described in IC 3-10-6-12.**

16 **Sec. 10. The general election for municipal offices shall be held**
 17 **on the first Tuesday after the first Monday in November of the**
 18 **following:**

19 **(1) A presidential election year, for municipal offices whose**
 20 **terms expire at the end of the presidential election year.**

21 **(2) A nonpresidential election year, for municipal offices**
 22 **whose terms expire at the end of the nonpresidential election**
 23 **year.**

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

31 **(1) upon written request of their counterpart election officers**
 32 **in the county with the greatest percentage of the population**
 33 **of the municipality, establish precincts in the municipality;**
 34 **and**

35 **(2) supply the precincts established with poll lists and perform**
 36 **all other duties under this title as if the voters were**
 37 **inhabitants of a municipality with the greatest percentage of**
 38 **its population within that county.**

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



1 SECTION 13. IC 3-10-6-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter
 3 applies to municipal and school district elections in the following
 4 municipalities:

5 (1) all cities and towns having a population of more than ten
 6 thousand (10,000) to which IC 3-10-5.5 does not apply.

7 (2) Towns having a population of three thousand five hundred
 8 (3,500) or more.

9 (3) Towns located entirely or partially within a county having a
 10 consolidated city; regardless of their population.

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

13 SECTION 14. IC 3-10-6.5-1, AS ADDED BY P.L.107-2020,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (b); This
 16 chapter applies **expires upon HEA 1055-2026 becoming effective.**
 17 only to the following municipalities:

18 (1) A town.

19 (2) A city with a population of less than three thousand five
 20 hundred (3,500).

21 (b) This chapter does not apply to a municipality located wholly or
 22 partially in a county having a consolidated city.

23 SECTION 15. IC 3-10-6.5-2 IS REPEALED [EFFECTIVE UPON
 24 PASSAGE]. Sec. 2: As used in this chapter, "municipal election year"
 25 refers to an odd-numbered year determined under IC 3-10-6-5.

26 SECTION 16. IC 3-10-6.5-3 IS REPEALED [EFFECTIVE UPON
 27 PASSAGE]. Sec. 3: During a year immediately before a municipal
 28 election year, the legislative body of a municipality may adopt an
 29 ordinance providing that each elected office of the municipality is
 30 elected in an even-numbered year.

31 SECTION 17. IC 3-10-6.5-4 IS REPEALED [EFFECTIVE UPON
 32 PASSAGE]. Sec. 4: An ordinance described in section 3 of this chapter
 33 must provide the following:

34 (1) The term of office for each individual elected to an office of
 35 the municipality at the next municipal election year. A term of
 36 office set under this subdivision must be either:

37 (A) one (1) year; or

38 (B) three (3) years;

39 as specified in the ordinance for each elected office of the
 40 municipality.

41 (2) That the successors of the individuals elected during the next
 42 municipal election year shall be elected in the following



1 applicable even-numbered year as determined by the term of
 2 office set for each office in the ordinance under subdivision (1):
 3 (3) That the term of office of the successors of the individuals
 4 elected for the initial term of office set for each office under
 5 subdivision (1) is four (4) years, beginning January 1 after their
 6 respective elections:

7 SECTION 18. IC 3-10-6.5-5 IS REPEALED [EFFECTIVE UPON
 8 PASSAGE]. Sec. 5: If a municipality adopts an ordinance under section
 9 3 of this chapter, the elected officers of the municipality shall be
 10 elected under IC 3-10-6 or IC 3-10-7:

11 (1) whichever is applicable to the municipality; and
 12 (2) to the extent either of those statutes is not inconsistent with
 13 this chapter:

14 SECTION 19. IC 3-10-6.5-6 IS REPEALED [EFFECTIVE UPON
 15 PASSAGE]. Sec. 6: An ordinance adopted under this chapter:

16 (1) may not be repealed earlier than twelve (12) years after the
 17 ordinance was adopted under section 3 of this chapter; and
 18 (2) may be repealed only in a year preceding a municipal election
 19 year:

20 SECTION 20. IC 3-10-6.5-7 IS REPEALED [EFFECTIVE UPON
 21 PASSAGE]. Sec. 7: An ordinance adopted under section 3 or 6 of this
 22 chapter takes effect when the ordinance is filed with the circuit court
 23 clerk of the county in which the largest percentage of the population of
 24 the municipality is located:

25 SECTION 21. IC 3-10-7 IS REPEALED [EFFECTIVE UPON
 26 PASSAGE]. (Municipal Elections in Small Towns Located Outside
 27 Marion County).

28 SECTION 22. IC 3-10-12-3.4, AS AMENDED BY P.L.74-2017,
 29 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 3.4. (a) This section applies to a voter who:

31 (1) changes residence from a precinct in a county to another
 32 precinct:

33 (A) in the same county; and
 34 (B) in the same congressional district;

35 as the former precinct; and

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

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

39 (1) correct the voter registration record; and

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

41 if the voter makes an oral affirmation as described in subsection (e) or
 42 uses the affidavit prescribed by the election division under



1 IC 3-10-11-6 to make a written affirmation **of the voter's current**
 2 **residence address** as described in section 4 of this chapter. ~~of the~~
 3 ~~voter's current residence address.~~

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

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

- 9 (1) ~~municipal~~ primary election **for municipal offices;**
- 10 (2) ~~municipal~~ **general election for municipal offices;** or
- 11 (3) special election held only within the municipality;

12 may not vote in the ~~municipal~~ primary election ~~municipal for~~
 13 **municipal offices, general election for municipal offices,** or special
 14 election held only within the municipality in the precinct of the person's
 15 former residence.

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

- 20 (1) reduce the substance of the affirmation to writing at an
 21 appropriate location on the poll list; and
- 22 (2) initial the affirmation.

23 SECTION 23. IC 3-11-1.5-25 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. **(a) In a year**
 25 **in which a general election is held,** a precinct establishment order
 26 may not become effective during ~~the following periods:~~

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

31 ~~(2) (b) This subsection applies to a municipal election that is~~
 32 **held in a municipality to which IC 3-10-5.5 does not apply.** For
 33 precincts located wholly or partially within a municipality, **a precinct**
 34 **establishment order may not become effective** after January 31 and
 35 before the day following municipal election day, in a year in which a
 36 municipal election is held.

37 SECTION 24. IC 3-11-1.5-33 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) If the
 39 boundaries of a municipality are extended before a ~~municipal primary~~
 40 ~~election or a municipal an~~ election:

- 41 (1) **to nominate candidates for municipal offices; or**
- 42 (2) **to elect candidates for municipal offices;**



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

10 SECTION 25. IC 3-11-1.5-35, AS AMENDED BY P.L.2-2005,
 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 35. (a) This section applies to a county that
 13 has a precinct that crosses a boundary in violation of section 4(4), 4(5),
 14 or 4(6) of this chapter.

15 (b) Notwithstanding section 25 of this chapter, if the county does
 16 not issue a precinct establishment order that establishes precincts in
 17 compliance with section 4(4), 4(5), and 4(6) of this chapter by the
 18 January 31 following the last effective date described in section ~~25(2)~~
 19 **25(b)** of this chapter, the commission may issue an order establishing
 20 precincts as provided under subsection (c).

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

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

25 SECTION 26. IC 3-11-10-26.5, AS AMENDED BY P.L.109-2021,
 26 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 26.5. (a) This section applies to:

- 28 (1) a municipal election **conducted in a municipality to which**
 29 **IC 3-10-5.5 does not apply;**
- 30 (2) a primary conducted in a municipal election year **in a**
 31 **municipality to which IC 3-10-5.5 does not apply;** and
- 32 (3) a special election conducted under IC 3-10-8 and that is not
 33 conducted at the same time as any other election.

34 (b) Notwithstanding section 26 of this chapter or IC 3-11-18.1-4 in
 35 a vote center county, a county election board ~~(or a town election board~~
 36 ~~acting under IC 3-10-7)~~ may adopt a resolution or an amendment to a
 37 county vote center plan by the unanimous vote of the board's entire
 38 membership stating that voters are entitled to vote by absentee ballot
 39 before an absentee voter board in the office of the circuit court clerk or
 40 town election board during specific days and hours identified in the
 41 resolution.

42 (c) If the election board adopts a resolution or an amendment under



1 subsection (b), the board must include written findings of fact in the
2 resolution or amendment stating:

- 3 (1) the number of absentee ballot applications anticipated or
- 4 previously received for the election;
- 5 (2) the expense to be incurred by providing absentee ballot voting
- 6 in the office during the entire period required under section 26 of
- 7 this chapter; and
- 8 (3) that voters would experience little or no inconvenience by
- 9 restricting absentee ballot voting in the office to the days and
- 10 hours specified in the resolution or amendment.

11 SECTION 27. IC 3-11-18.1-5, AS AMENDED BY P.L.141-2023,
12 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsections (b),
14 ~~and (c)~~; a plan must provide a vote center for use by voters residing
15 within the county for use in a primary election, general election, special
16 election, municipal primary, or municipal election conducted on or
17 after the effective date of the county election board's order.

18 (b) A plan may provide that a vote center will not be used in a
19 municipal election conducted in 2023, 2027, 2031, 2035, 2039, 2043,
20 and every four (4) years thereafter for some or all of the towns:

- 21 (1) located within the county; and
- 22 (2) having a population of less than three thousand five hundred
- 23 (3,500).

24 ~~(c) This section does not apply in a town that has established a town~~
25 ~~election board under IC 3-10-7-5.7 while the resolution established~~
26 ~~under IC 3-10-7-5.7 is in effect.~~

27 SECTION 28. IC 3-12-5-2 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Whenever a
29 candidate is elected:

- 30 (1) to a local or school board office other than
- 31 ~~(A) one for which a town clerk-treasurer issues a certificate of~~
- 32 ~~election under IC 3-10-7-34; or~~
- 33 ~~(B) one commissioned by the governor under IC 4-3-1-5; or~~
- 34 (2) a precinct committeeman or state convention delegate;

35 the circuit court clerk shall, when permitted under section 16 of this
36 chapter, prepare and deliver to the candidate on demand a certificate
37 of the candidate's election.

38 (b) This subsection applies to a local or school board office
39 described in subsection (a) with an election district located in more
40 than one (1) county and a local public question placed on the ballot in
41 more than one (1) county. The circuit court clerk of the county that
42 contains the greatest percentage of the population of the election



1 district shall, upon demand of the candidate or a person entitled to
 2 request a recount of the votes cast on a public question under
 3 IC 3-12-12:

4 (1) obtain the certified statement of the votes cast for that office
 5 or on that question that was prepared under IC 3-12-4-9 from the
 6 circuit court clerk in each other county in which the election
 7 district is located;

8 (2) tabulate the total votes cast for that office or on that question
 9 as shown on the certified statement of each county in the election
 10 district; and

11 (3) issue a certificate of election to the candidate when permitted
 12 under section 16 of this chapter or a certificate declaring the local
 13 public question approved or rejected.

14 SECTION 29. IC 3-12-6-31 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The circuit
 16 court clerk shall transmit the certificate prepared under section 30 of
 17 this chapter to the election division, the county election board or other
 18 public official authorized by this title to issue:

19 (1) a certificate of nomination under IC 3-8-7;

20 (2) a certificate of election under ~~IC 3-10-7-34~~ or IC 3-12-5-2; or

21 (3) a commission for the office under IC 4-3-1-5.

22 (b) The election division shall provide a copy of a certificate
 23 transmitted to the election division under this section to the office.

24 SECTION 30. IC 3-12-11-25, AS AMENDED BY P.L.186-2025,
 25 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 25. (a) Except as provided in subsection (b),
 27 whenever the commission makes a final determination under section
 28 18 of this chapter that the candidate who is subject to a contest
 29 proceeding is not eligible to serve in the office to which the candidate
 30 is nominated or elected, the candidate who received the second highest
 31 number of votes for the office is entitled to a certificate of nomination
 32 or certificate of election even though a certificate may have been issued
 33 to another candidate upon the tabulation of the votes.

34 (b) This subsection applies to a contest proceeding for a state office
 35 other than the offices of governor, lieutenant governor, justice of the
 36 supreme court, judge of the court of appeals, and judge of the tax court.
 37 Whenever the commission makes a final determination under section
 38 18(b) of this chapter that the candidate who is subject to a contest
 39 proceeding is not eligible to serve in the office to which the candidate
 40 is elected the following apply:

41 (1) This subdivision does not apply to the filling of a state office
 42 following a contest proceeding or court action that resulted from



1 an election held before January 1, 2011. The office is considered
 2 vacant, and the governor shall fill the vacancy as provided in
 3 IC 3-13-4-3(e) by the appointment of a person of the same
 4 political party as the candidate who is not eligible to serve.

5 (2) The commission's determination that the candidate is not
 6 eligible to serve in the office does not affect the votes cast for the
 7 candidate for purposes of determining the number or percentage
 8 of votes cast for purposes of other statutes, including
 9 IC 3-5-2.1-62, IC 3-6-2-1, IC 3-6-4.1-6, IC 3-6-5.2-7, IC 3-6-6-8,
 10 IC 3-6-7-1, IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2,
 11 IC 3-10-2-15, IC 3-10-4-2, IC 3-10-6, ~~IC 3-10-7-26~~, IC 3-11-2-6,
 12 IC 3-11-13-11, IC 3-11-14-3.5, IC 3-13-9-4.5, IC 6-9-2-3, and
 13 IC 36-4-1.5-2.

14 SECTION 31. IC 3-13-8-4, AS AMENDED BY P.L.119-2005,
 15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 4. (a) This section applies to a vacancy in the
 17 city-county council of a first class city not covered by section 1 of this
 18 chapter.

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

- 24 (1) be in writing;
 25 (2) state the purpose of the meeting;
 26 (3) state the date, time, and place of the meeting; and
 27 (4) be sent by first class mail to each council member at least ten
 28 (10) days before the meeting.

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

35 (d) The appointed member serves until a successor is elected and
 36 qualified at the next ~~municipal or general~~ election ~~whichever occurs~~
 37 **first: for members of the city-county council.** The successor serves
 38 from noon January 1 following that election to noon January 1
 39 following the next ~~municipal~~ election **for members of the city-county**
 40 **council**, as provided in IC 36-3-4-2. The persons appointed and elected
 41 must be resident voters in the district where the vacancy occurred,
 42 unless the vacancy occurred in an at large seat.



1 SECTION 32. IC 5-4-1-2, AS AMENDED BY P.L.55-2022,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 2. (a) The oath required by section 1 of this
 4 chapter, except in the case of a notary public or in those cases specified
 5 in section 3 of this chapter, shall be endorsed on or attached to the:

6 (1) commission;

7 (2) certificate if a certificate was issued under ~~IC 3-10-7-34~~,
 8 IC 3-12-4 or IC 3-12-5; or

9 (3) certificate of appointment pro tempore under IC 3-13-11-11;
 10 signed by the person taking the oath, and certified to by the officer
 11 before whom the oath was taken, who shall also deliver to the person
 12 taking the oath a copy of the oath.

13 (b) A copy of the oath of office of a prosecuting attorney shall be
 14 attached to the commission of the prosecuting attorney.

15 SECTION 33. IC 33-35-1-1, AS AMENDED BY P.L.141-2023,
 16 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 1. (a) During 2026, 2030, 2034, 2038, 2042,
 18 and every fourth year after that, a second or third class city or a town
 19 may by ordinance establish or abolish a city or town court. An
 20 ordinance to establish a city or town court must be adopted not less
 21 than one (1) year before the judge's term would begin under
 22 **IC 3-10-5.5-4** or section 3 of this chapter.

23 (b) The judge for a court established under subsection (a) shall be
 24 elected under **one (1) of the following, as applicable to the**
 25 **municipality:**

26 (1) IC 3-10-6, ~~or IC 3-10-7~~, at the municipal election in
 27 November 2023, 2027, 2031, 2035, 2039, 2043, and every four

28 (4) years thereafter.

29 (2) **IC 3-10-5.5.**

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

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

35 (e) A city or town that establishes or abolishes a court under this
 36 section shall give notice of its action to the following:

37 (1) The office of judicial administration under IC 33-24-6.

38 (2) The secretary of state.

39 (3) The circuit court clerk of the county in which the greatest
 40 population of the city or town resides.

41 SECTION 34. IC 33-35-1-3, AS AMENDED BY P.L.109-2015,
 42 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 3. (a) The judge of a city or town court shall
 2 be elected under **IC 3-10-5.5** or IC 3-10-6 or ~~IC 3-10-7~~ by the voters
 3 of the city or town.

4 (b) Except as provided in ~~subsections~~ **subsection** (c), ~~(d)~~, and ~~(e)~~,
 5 the term of office of a judge elected under this section is four (4) years,
 6 beginning at noon January 1 after election and continuing until a
 7 successor is elected and qualified.

8 (c) This subsection applies to a town that adopts an ordinance under
 9 IC 3-10-6-2.6. The term of office of:

10 (1) a judge elected at the next municipal election not conducted
 11 in a general election year is one (1) year; and

12 (2) the successors to the judge described in subdivision (1) is four
 13 (4) years;

14 beginning at noon January 1 after election and continuing until a
 15 successor is elected and qualified.

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.~~

24 ~~(e) This subsection applies to a town that adopts an ordinance under~~
 25 ~~IC 3-10-7-2.9. The term of office of:~~

26 ~~(1) a judge elected in the first election cycle after adoption of the~~
 27 ~~ordinance is the term of office provided by the ordinance, not to~~
 28 ~~exceed four (4) years; and~~

29 ~~(2) the successors of the judge described in subdivision (1) is four~~
 30 ~~(4) years.~~

31 ~~(f) (d)~~ Before beginning the duties of office, the judge shall, in the
 32 manner prescribed by IC 5-4-1, execute a bond conditioned upon the
 33 faithful discharge of the duties of office.

34 SECTION 35. IC 33-35-3-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The officers
 36 of a city court are a:

37 (1) judge;

38 (2) clerk; and

39 (3) bailiff.

40 However, in third class cities, the judge may act as clerk and perform
 41 all duties of the clerk of the court or appoint a clerk of the court. If the
 42 judge does not act as clerk of the court or appoint a clerk of the court,



1 the city clerk-treasurer elected under **IC 3-10-5.5** or IC 3-10-6 shall
2 perform the duties of the clerk of the city court.

3 (b) The clerk is an officer of a town court. The judge of a town court
4 may act as clerk and perform all duties of the clerk of the court or
5 appoint a clerk of the court. If the judge does not act as a clerk of the
6 court or appoint a clerk of the court, the town clerk-treasurer elected
7 under **IC 3-10-5.5** or IC 3-10-6 ~~or IC 3-10-7~~ shall perform the duties
8 of the clerk of the town court.

9 (c) The clerk and bailiff may not receive any fees or compensation
10 other than their salaries.

11 SECTION 36. IC 36-1-2-11.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. "Nonpresidential**
14 **election year" has the meaning set forth in IC 3-5-2.1-68.5.**

15 SECTION 37. IC 36-1-2-13.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: **Sec. 13.5. "Presidential election**
18 **year" has the meaning set forth in IC 3-5-2.1-82.8.**

19 SECTION 38. IC 36-1.5-4-35, AS ADDED BY P.L.186-2006,
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 35. (a) This section applies to an initial
22 election:

- 23 (1) of the members of a governing body or officers that are
24 elected by the voters for a reorganized political subdivision that:
25 (A) is a town; and
26 (B) has town boundaries that encompass part of another town
27 that was part of the reorganization;
28 (2) that is conducted before the reorganization takes effect; and
29 (3) to which ~~IC 3-10-7~~ **IC 3-10-5.5** applies.

30 (b) The members of each precinct board shall be jointly appointed
31 by the town election boards of each of the reorganizing political
32 subdivisions.

33 SECTION 39. IC 36-1.5-4-36, AS AMENDED BY P.L.113-2010,
34 SECTION 112, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) This section applies if
36 section 5 of this chapter requires an election for a reorganization to
37 become effective.

38 (b) At the next:

- 39 (1) general election, if:
40 (A) the reorganized political subdivision is not a municipality
41 or a school corporation; ~~or~~
42 (B) the reorganized political subdivision results from a



1 reorganization including a county and at least one (1)
 2 municipality; **or**
 3 **(C) the reorganized political subdivision is a municipality**
 4 **to which IC 3-10-5.5 applies;**
 5 (2) municipal election, if the reorganized political subdivision is
 6 a municipality **to which IC 3-10-5.5 does not apply;** or
 7 (3) primary or general election, as specified in an election plan
 8 adopted in substantially identical resolutions by the legislative
 9 body of each of the participating political subdivisions if the
 10 reorganized political subdivision is a school corporation;
 11 after the voters approve a reorganization, one (1) set of officers for the
 12 reorganized political subdivision having the combined population of
 13 the reorganizing political subdivisions shall be elected by the voters in
 14 the territory of the reorganized political subdivision as prescribed by
 15 statute.
 16 (c) In the election described in subsection (b):
 17 (1) one (1) member of the legislative body of the reorganized
 18 political subdivision shall be elected from each election district
 19 established by the reorganizing political subdivisions in
 20 substantially identical resolutions adopted by the legislative body
 21 of each of the reorganizing political subdivisions; and
 22 (2) the total number of at large members shall be elected as
 23 prescribed by statute for the reorganized political subdivision.
 24 (d) If appointed officers are required in the reorganized political
 25 subdivision, one (1) set of appointed officers shall be appointed for the
 26 reorganized political subdivision. The appointments shall be made as
 27 required by statute for the reorganized political subdivision. Any
 28 statute requiring an appointed officer to reside in the political
 29 subdivision where the appointed officer resides shall be treated as
 30 permitting the appointed officer to reside in any part of the territory of
 31 the reorganized political subdivision.
 32 SECTION 40. IC 36-3-3-2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A mayor,
 34 who is the executive of both the consolidated city and the county, shall
 35 be elected under **IC 3-10-5.5 or IC 3-10-6, whichever is applicable to**
 36 **the consolidated city**, by the voters of the whole county.
 37 (b) To be eligible to serve as the executive, a person must meet the
 38 qualifications prescribed by IC 3-8-1-24.
 39 (c) The term of office of an executive is four (4) years, beginning at
 40 noon on January 1 after election and continuing until a successor is
 41 elected and qualified.
 42 SECTION 41. IC 36-3-4-2, AS AMENDED BY P.L.193-2021,



1 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A city-county council,
 3 which is the legislative body of both the consolidated city and the
 4 county, shall be elected under **IC 3-10-5.5 or IC 3-10-6, whichever is**
 5 **applicable to the consolidated city**, by the voters of the county. The
 6 city-county council consists of twenty-five (25) members.

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

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

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

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

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

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

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

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

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

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

23 SECTION 42. IC 36-4-1-8 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Whenever
 25 the classification of a city under section 1 of this chapter changes due
 26 to a change in the city's population, the city shall be governed by the
 27 laws applicable to its new class, except as provided by subsection (b).

28 (b) The membership of a city legislative body remains unchanged
 29 until the expiration of the terms of its members, despite a change in the
 30 classification of the city for any reason. At the:

31 (1) municipal election, **if IC 3-10-5.5 does not apply to the city;**
 32 **or**

33 (2) **general election, if IC 3-10-5.5 applies to the city;**

34 preceding the expiration of those terms, the number of members of the
 35 legislative body required by the laws applicable to its new class shall
 36 be elected. The powers, duties, functions, and office of an elected
 37 official of a city shall remain unchanged until the expiration of the term
 38 of the elected official, despite a change in city classification for any
 39 reason.

40 SECTION 43. IC 36-4-1.5-3, AS AMENDED BY P.L.202-2013,
 41 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 3. (a) A town legislative body may satisfy the



1 requirements of this section in an ordinance adopted either before or
 2 after the town's voters vote on the question described in section 2 of
 3 this chapter.

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

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

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

12 (A) The city executive.

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

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

16 (3) The date of the first election of the city officers. The first
 17 election may be held only on the date of the next ~~general election~~
 18 ~~or municipal election whichever is earlier, at which officers are~~
 19 **elected in the municipality under IC 3-10-5.5 or IC 3-10-6,**
 20 following the date fixed for an election under section 2 of this
 21 chapter on the question of whether the town should be changed
 22 into a city. Candidates for election to the city offices shall be
 23 nominated:

24 (A) at the corresponding primary election during a general
 25 election year or a municipal election year; or

26 (B) as otherwise provided in IC 3.

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

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

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

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

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

39 SECTION 44. IC 36-4-1.5-4, AS ADDED BY P.L.111-2005,
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 4. (a) Notwithstanding any other law, the term
 42 of office of the city officers elected at the first election of city officers

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1 held under the ordinance adopted under section 3 of this chapter:

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

3 (2) may not extend after December 31 of the next:

4 (A) municipal election year that occurs after the first election
5 of city officers, **if IC 3-10-5.5 does not apply to the city; or**

6 (B) general election year that occurs after the first election
7 of city officers, **if IC 3-10-5.5 applies to the city.**

8 (b) The ordinance adopted under section 3 of this chapter may
9 provide for a shorter term of office for specified members of the city
10 legislative body to stagger terms as permitted under IC 3 and IC 36-4-6.

11 **However, if IC 3-10-5.5 does not apply to the city, the ordinance**
12 **may provide for a shorter term of office under this subsection only**
13 **if a general election will occur in an even-numbered year before the**
14 **next municipal election occurring in the odd-numbered year before**
15 **a presidential election year, after the first election of city officers.**

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

18 SECTION 45. IC 36-4-2-8 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. An election held
20 under section 2 or 3 of this chapter may not be held in a calendar year
21 in which a ~~general~~ municipal election is to be held **in the**
22 **odd-numbered year before a presidential election year.**

23 SECTION 46. IC 36-4-2-10 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) ~~At the next~~
25 ~~general municipal election~~ After a vote in favor of a merger at an
26 election held under section 2 or 3 of this chapter, one (1) set of officers
27 for a municipality having the combined population of the merging
28 municipalities shall be elected by the voters of the merging
29 municipalities as prescribed by statute, except that:

30 (1) one (1) member of the municipal legislative body shall be
31 elected from each district established under section 12 of this
32 chapter; and

33 (2) the total number of at large members prescribed by statute for
34 the municipal legislative body shall be elected.

35 (b) **An election under subsection (a) must be held at the next:**

36 (1) **municipal election occurring in the odd-numbered year**
37 **before a presidential election year, if IC 3-10-5.5 does not**
38 **apply to each of the merging municipalities; or**

39 (2) **general election, if IC 3-10-5.5 applies to one (1) or more**
40 **of the merging municipalities.**

41 SECTION 47. IC 36-4-2-12 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The



1 legislative bodies of municipalities that vote to merge under this
 2 chapter shall meet in joint session at the hall of the municipality having
 3 the largest population at 8 p.m. on the second Monday of January of the
 4 next year in which a:

- 5 (1) general municipal election is to be held, **if IC 3-10-5.5 applies**
 6 **to one (1) or more of the merging municipalities; or**
 7 **(2) municipal election is to be held in the odd-numbered year**
 8 **before a presidential election year, if IC 3-10-5.5 does not**
 9 **apply to each of the merging municipalities.**

10 (b) At the joint meeting, the legislative bodies shall:

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

15 The legislative bodies shall fix the district boundaries so that, as nearly
 16 as is possible, all parts of the merging municipalities have equal
 17 representation in the legislative body of the new municipality. The
 18 district boundaries fixed under this subsection constitute the district
 19 boundaries for the new municipality until they are altered by the
 20 legislative body of the new municipality.

21 ~~(b)~~ (c) If any territory in the municipality is not included in one (1)
 22 of the districts established under subsection ~~(a)~~; (b), the territory is
 23 included in the district that:

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

27 ~~(c)~~ (d) If any territory in the municipality is included in more than
 28 one (1) of the districts established under subsection ~~(a)~~; (b), the
 29 territory is included in the district that:

- 30 (1) is one (1) of the districts in which the territory is described in
 31 the joint resolution adopted under subsection ~~(a)~~; (b);
 32 (2) is contiguous to that territory; and
 33 (3) contains the least population of all districts contiguous to that
 34 territory.

35 ~~(d)~~ (e) A copy of the joint resolution passed under subsection ~~(a)~~ (b)
 36 shall be:

- 37 (1) certified by the presiding officer;
 38 (2) attested by the clerk; and
 39 (3) filed with the legislative body of each of the merging
 40 municipalities and the circuit court clerk of each county in which
 41 the municipalities are located.

42 SECTION 48. IC 36-4-5-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A mayor,
2 who is the city executive, shall be elected under:

3 **(1) IC 3-10-5.5; or**

4 **(2) IC 3-10-6;**

5 **as applicable to the city**, by the voters of each city.

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

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

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

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

19 SECTION 49. IC 36-4-6-2 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A common
21 council, which is the city legislative body, shall be elected under:

22 **(1) IC 3-10-5.5; or**

23 **(2) IC 3-10-6;**

24 **as applicable to the city**, by the voters of each city.

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

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

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

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

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

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

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

40 SECTION 50. IC 36-4-6-3, AS AMENDED BY P.L.169-2022,
41 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: Sec. 3. (a) This section applies only to second class



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



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

5 (j) If the legislative body determines that a division under subsection
 6 (g) is not required, the legislative body shall adopt an ordinance
 7 recertifying that the districts as drawn comply with this section.

8 (k) A copy of the ordinance establishing districts or a recertification
 9 adopted under this section must be filed with the circuit court clerk of
 10 the county that contains the greatest population of the city not later than
 11 thirty (30) days after the ordinance or recertification is adopted. The
 12 filing must include a map of the district boundaries:

- 13 (1) adopted under subsection (b); or
- 14 (2) recertified under subsection (j).

15 (l) The limitations set forth in this section are part of the ordinance,
 16 but do not have to be specifically set forth in the ordinance. The
 17 ordinance must be construed, if possible, to comply with this chapter.
 18 If a provision of the ordinance or an application of the ordinance
 19 violates this chapter, the invalidity does not affect the other provisions
 20 or applications of the ordinance that can be given effect without the
 21 invalid provision or application. The provisions of the ordinance are
 22 severable.

23 (m) IC 3-5-10 applies to a plan established under this section.

24 SECTION 51. IC 36-4-6-4, AS AMENDED BY P.L.169-2022,
 25 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities,
 27 except as provided by section 5 of this chapter.

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

- 31 (1) are composed of contiguous territory, except for territory that
- 32 is not contiguous to any other part of the city;
- 33 (2) are reasonably compact;
- 34 (3) do not cross precinct boundary lines except as provided in
- 35 subsection (c) or (d); and
- 36 (4) contain, as nearly as is possible, equal population.

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

- 39 (1) more than one (1) member of the legislative body elected from
- 40 the districts established under subsection (b), (j), or (m) resides in
- 41 one (1) precinct established under IC 3-11-1.5 after the most
- 42 recent ~~municipal~~ election **for members of the city legislative**



- 1 **body; 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 the 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 (o), the division under
 24 subsection (b), (j), or (m) shall be made only at times permitted under
 25 IC 3-5-10.
 26 (h) This subsection does not apply to a city with an ordinance
 27 described by subsection (j) or (m). The legislative body is composed of
 28 five (5) members elected from the districts established under
 29 subsection (b) and two (2) at-large members.
 30 (i) This subsection does not apply to a city with an ordinance
 31 described by subsection (j) or (m). Each voter of the city may vote for
 32 two (2) candidates for at-large membership and one (1) candidate from
 33 the district in which the voter resides. The two (2) at-large candidates
 34 receiving the most votes from the whole city and the district candidates
 35 receiving the most votes from their respective districts are elected to
 36 the legislative body.
 37 (j) A city may adopt an ordinance under this subsection to divide the
 38 city into four (4) districts that:
 39 (1) are composed of contiguous territory;
 40 (2) are reasonably compact;
 41 (3) do not cross precinct boundary lines, except as provided in
 42 subsection (c) or (d); and



- 1 (4) contain, as nearly as is possible, equal population.
- 2 (k) This subsection applies to a city with an ordinance described by
- 3 subsection (j). The legislative body is composed of four (4) members
- 4 elected from the districts established under subsection (j) and three (3)
- 5 at-large members.
- 6 (l) This subsection applies to a city with an ordinance described by
- 7 subsection (j). Each voter of the city may vote for three (3) candidates
- 8 for at-large membership and one (1) candidate from the district in
- 9 which the voter resides. The three (3) at-large candidates receiving the
- 10 most votes from the whole city and the district candidates receiving the
- 11 most votes from their respective districts are elected to the legislative
- 12 body.
- 13 (m) This subsection applies only if the ordinance adopted under
- 14 IC 36-4-1.5-3 by the town legislative body of a town that has a
- 15 population of less than ten thousand (10,000) and that becomes a city
- 16 specifies that the city legislative body districts are governed by this
- 17 subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing
- 18 the town into city legislative body districts may provide that:
- 19 (1) the city shall be divided into three (3) districts that:
- 20 (A) are composed of contiguous territory;
- 21 (B) are reasonably compact;
- 22 (C) do not cross precinct boundary lines, except as provided in
- 23 subsection (c) or (d); and
- 24 (D) contain, as nearly as is possible, equal population; and
- 25 (2) the legislative body of the city is composed of three (3)
- 26 members elected from the districts established under this
- 27 subsection and two (2) at-large members.
- 28 Each voter of the city may vote for two (2) candidates for at-large
- 29 membership and one (1) candidate from the district in which the voter
- 30 resides. The two (2) at-large candidates receiving the most votes from
- 31 the whole city and the district candidates receiving the most votes from
- 32 their respective districts are elected to the legislative body.
- 33 (n) A copy of the ordinance establishing districts or a recertification
- 34 adopted under this section must be filed with the circuit court clerk of
- 35 the county that contains the greatest population of the city ~~no~~ **not** later
- 36 than thirty (30) days after the ordinance or recertification is adopted.
- 37 The filing must include a map of the district boundaries:
- 38 (1) adopted under subsection (b), (j), or (m); or
- 39 (2) recertified under subsection (o).
- 40 (o) If the legislative body determines that a division under
- 41 subsection (g) is not required, the legislative body shall adopt an
- 42 ordinance recertifying that the districts as drawn comply with this



1 section.

2 (p) The limitations set forth in this section are part of the ordinance,
3 but do not have to be specifically set forth in the ordinance. The
4 ordinance must be construed, if possible, to comply with this chapter.
5 If a provision of the ordinance or an application of the ordinance
6 violates this chapter, the invalidity does not affect the other provisions
7 or applications of the ordinance that can be given effect without the
8 invalid provision or application. The provisions of the ordinance are
9 severable.

10 (q) IC 3-5-10 applies to a plan established under this section.

11 SECTION 52. IC 36-4-6-5, AS AMENDED BY P.L.169-2022,
12 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 5. (a) This section applies to third class cities
14 having a population of less than ten thousand (10,000). The legislative
15 body of such a city may, by ordinance adopted after June 30, 2010, and
16 during a year in which an election of the legislative body will not
17 occur, decide to be governed by this section instead of section 4 of this
18 chapter. The legislative body districts created by an ordinance adopted
19 under this subsection apply to the first election of the legislative body
20 held after the date the ordinance is adopted. The clerk of the legislative
21 body shall send a certified copy of any ordinance adopted under this
22 subsection to the secretary of the county election board.

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

- 26 (1) are composed of contiguous territory, except for territory that
27 is not contiguous to any other part of the city;
28 (2) are reasonably compact;
29 (3) do not cross precinct boundary lines except as provided in
30 subsection (c) or (d); and
31 (4) contain, as nearly as is possible, equal population.

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

- 34 (1) more than one (1) member of the legislative body elected from
35 the districts established under subsection (b) or (j) resides in one
36 (1) precinct established under IC 3-11-1.5 after the most recent
37 **municipal election for members of the city legislative body;** and
38 (2) following the establishment of a legislative body district
39 whose boundary crosses a precinct boundary line, not more than
40 one (1) member of the legislative body elected from the districts
41 resides within the same city legislative body district.

42 (d) The boundary of a city legislative body district may cross a



1 precinct line if the districts would not otherwise contain, as nearly as
2 is possible, equal population.

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

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

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

- 13 (1) state that the legislative body is considering the adoption of an
14 ordinance described by this subsection; and
15 (2) be mailed not later than ten (10) days before the legislative
16 body adopts the ordinance.

17 (g) Except as provided in subsection (o), the division under
18 subsection (b) or (j) shall be made only at times permitted under
19 IC 3-5-10.

20 (h) This subsection does not apply to a city with an ordinance
21 described by subsection (j). The legislative body is composed of four
22 (4) members elected from the districts established under subsection (b)
23 and one (1) at-large member.

24 (i) This subsection does not apply to a city with an ordinance
25 described by subsection (j). Each voter may vote for one (1) candidate
26 for at-large membership and one (1) candidate from the district in
27 which the voter resides. The at-large candidate receiving the most votes
28 from the whole city and the district candidates receiving the most votes
29 from their respective districts are elected to the legislative body.

30 (j) A city may adopt an ordinance under this subsection to divide the
31 city into three (3) 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 (k) This subsection applies to a city with an ordinance described by
39 subsection (j). The legislative body is composed of three (3) members
40 elected from the districts established under subsection (j) and two (2)
41 at-large members.

42 (l) This subsection applies to a city with an ordinance described by



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

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

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

- 22 (1) adopted under subsection (b) or (j); or
- 23 (2) recertified under subsection (o).

24 (o) If the legislative body determines that a division under
 25 subsection (b) or (j) is not required, the legislative body shall adopt an
 26 ordinance recertifying that the districts as drawn comply with this
 27 section.

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

36 (q) IC 3-5-10 applies to a plan established under this section.

37 SECTION 53. IC 36-5-1-10.1, AS AMENDED BY P.L.104-2022,
 38 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE UPON PASSAGE]: Sec. 10.1. (a) If a majority of the
 40 voters voting on the public question under section 8 of this chapter vote
 41 "yes", the county executive shall adopt an ordinance incorporating the
 42 town.



- 1 (b) An ordinance adopted under subsection (a) must:
 2 (1) either:
 3 (A) provide that all members of the town legislative body are
 4 to be elected at large (if the town would have a population of
 5 less than three thousand five hundred (3,500); or
 6 (B) divide the town into ~~not less than at least~~ three (3) ~~nor and~~
 7 **not** more than seven (7) districts; and
 8 (2) direct the county election board to conduct an election in the
 9 town on the date of the next general ~~or municipal~~ election to be
 10 held in any precincts in the county.
 11 An election conducted under this section must comply with IC 3
 12 concerning town elections. If the date that an ordinance is adopted
 13 under this section is not later than June 1 of a general ~~or municipal~~
 14 election year, the election must be conducted on the date of the next
 15 general ~~or municipal~~ election held in any precincts in the county after
 16 the election for which absentee balloting is being conducted. However,
 17 a primary election may not be conducted before an election conducted
 18 under this section, regardless of the population of the town.
 19 (c) Districts established by an ordinance adopted under this section
 20 must comply with IC 3-11-1.5.
 21 (d) If any territory in the town is not included in one (1) of the
 22 districts established under this section, the territory is included in the
 23 district that:
 24 (1) is contiguous to that territory; and
 25 (2) contains the least population of all districts contiguous to that
 26 territory.
 27 (e) If any territory in the town is included in more than one (1) of the
 28 districts established under this section, the territory is included in the
 29 district that:
 30 (1) is one (1) of the districts in which the territory is described in
 31 the ordinance adopted under this section;
 32 (2) is contiguous to that territory; and
 33 (3) contains the least population of all districts contiguous to that
 34 territory.
 35 (f) An ordinance adopted under this section becomes effective when
 36 filed with:
 37 (1) the office of the secretary of state; and
 38 (2) the circuit court clerk of each county in which the town is
 39 located.
 40 (g) Each county that contains a part of the proposed town must
 41 adopt identical ordinances providing for the incorporation of the town.
 42 SECTION 54. IC 36-5-1.1-10.6, AS AMENDED BY P.L.104-2022,

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1 SECTION 169, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 10.6. (a) This section applies
 3 to included towns.

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

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

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

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

24 (e) Dissolution occurs:

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

28 (f) When a town is dissolved under this section:

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

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

39 SECTION 55. IC 36-5-2-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The town
 41 council elected under **IC 3-10-5.5** or IC 3-10-6 ~~or IC 3-10-7~~ is the
 42 town legislative body. The president of the town council selected under

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1 section 7 of this chapter is the town executive.

2 SECTION 56. IC 36-5-2-3, AS AMENDED BY P.L.109-2015,
3 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b),
5 (c), (d), ~~or (e), (f), or (g)~~; the term of office of a member of the
6 legislative body is four (4) years, beginning at noon January 1 after the
7 member's election and continuing until the member's successor is
8 elected and qualified.

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

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

16 (2) continues until:

17 (A) noon January 1 following the next ~~municipal~~ election
18 ~~scheduled under IC 3-10-6-5 or IC 3-10-7-6 for members of~~
19 ~~the town legislative body; and until~~

20 (B) the member's successor is elected and qualified.

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

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

24 (2) continues until:

25 (A) noon January 1 following the next ~~municipal~~ election
26 ~~scheduled under IC 3-10-5.5 or IC 3-10-6-5 or IC 3-10-7-6, as~~
27 ~~applicable to the municipality; and until~~

28 (B) the member's successor is elected and qualified.

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

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

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:

3 (g) The term of office of a member of a legislative body subject to
4 an ordinance described by IC 3-10-7-2.9 is:

5 (1) the term of office provided by the ordinance; not to exceed
6 four (4) years; for a member of the legislative body elected in the
7 first election cycle after adoption of the ordinance; and

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

10 SECTION 57. IC 36-5-2-4.1, AS AMENDED BY P.L.169-2022,
11 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 4.1. (a) The legislative body may, by
13 ordinance, divide the town into districts for the purpose of conducting
14 elections of town officers.

15 (b) A town legislative body district must comply with the following
16 standards:

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

19 (2) The district must be reasonably compact.

20 (3) The district must contain, as nearly as is possible, equal
21 population.

22 (4) The district may not cross a census block boundary except
23 when following a precinct boundary line or unless the ordinance
24 specifies that the census block has no population and is not likely
25 to have population before the effective date of the next federal
26 decennial census.

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

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

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

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

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

39 (1) is contiguous to that territory; and

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

42 (e) The ordinance may be appealed in the manner prescribed by



- 1 IC 34-13-6. If the town is located in two (2) or more counties, the
 2 appeal may be filed in the circuit or superior court of any of those
 3 counties.
- 4 (f) This subsection does not apply to a town with an ordinance
 5 described by subsection (g). Except as provided in subsection (j), the
 6 division permitted by subsection (a) shall be made only at times
 7 permitted under IC 3-5-10.
- 8 (g) This subsection applies to a town having a population of less
 9 than three thousand five hundred (3,500). The town legislative body
 10 may adopt an ordinance providing that:
- 11 (1) town legislative body districts are abolished; and
 12 (2) all members of the legislative body are elected at large.
- 13 (h) An ordinance described by subsection (g):
 14 (1) may not be adopted or repealed during a year in which a
 15 ~~municipal~~ **an election for municipal office** is scheduled to be
 16 conducted in the town under **IC 3-10-5.5** or IC 3-10-6; ~~or~~
 17 ~~IC 3-10-7~~; and
 18 (2) is effective upon passage.
- 19 (i) A copy of the ordinance establishing districts or a recertification
 20 under this section must be filed with the circuit court clerk of the
 21 county that contains the greatest population of the town not later than
 22 thirty (30) days after the ordinance or recertification is adopted. The
 23 filing must include a map of the district boundaries:
- 24 (1) adopted under subsection (a); or
 25 (2) recertified under subsection (j).
- 26 (j) If the legislative body determines that a division under subsection
 27 (a) is not required, the legislative body shall adopt an ordinance
 28 recertifying that the districts as drawn comply with this section.
- 29 (k) The limitations set forth in this section are part of the ordinance,
 30 but do not have to be specifically set forth in the ordinance. The
 31 ordinance must be construed, if possible, to comply with this chapter.
 32 If a provision of the ordinance or an application of the ordinance
 33 violates this chapter, the invalidity does not affect the other provisions
 34 or applications of the ordinance that can be given effect without the
 35 invalid provision or application. The provisions of the ordinance are
 36 severable.
- 37 (l) This subsection applies to a town having a population of less than
 38 three thousand five hundred (3,500). If the town legislative body has
 39 not:
- 40 (1) adopted an ordinance under subsection (a) and subject to
 41 subsection (f) after December 31, 2011; or
 42 (2) adopted an ordinance recertifying districts under subsection



- 1 (j) after December 31, 2011;
 2 the town legislative body districts are abolished, effective January 1,
 3 2018. A town described by this subsection may adopt an ordinance to
 4 establish town legislative body districts in accordance with subsection
 5 (a) and subject to subsection (f) after January 1, 2018.
- 6 (m) IC 3-5-10 applies to a plan established under this section.
- 7 SECTION 58. IC 36-5-2-4.2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.2. (a) This
 9 section applies to the alteration of the number of members of a
 10 legislative body.
- 11 (b) The legislative body may adopt a resolution to submit a public
 12 question on the number of legislative body members to the voters of the
 13 town. The resolution must state the following:
- 14 (1) The proposed number of legislative body members, which
 15 must be at least three (3) and not more than seven (7).
 16 (2) The date of the general ~~municipal~~, or special election at which
 17 the public question will appear on the ballot.
 18 (3) That the following question will be placed on the ballot in the
 19 form provided by IC 3-10-9-4:
 20 "Shall the number of town council members be increased (or
 21 decreased, if applicable) from _____ (insert the current
 22 number of members provided for) to _____ (insert the
 23 number of members proposed in the resolution)?"
- 24 (c) IC 3 applies to an election conducted under subsection (b). If the
 25 county election board will conduct the election at which the public
 26 question will be submitted, the question must be certified to the board
 27 under IC 3-10-9-3.
- 28 (d) If a majority of the votes cast on the question under subsection
 29 (b) are in the negative, the legislative body may not adopt a resolution
 30 under subsection (b) for at least one (1) year following the date the
 31 prior resolution was adopted.
- 32 (e) If a majority of votes cast on the question under subsection (b)
 33 are in the affirmative, the legislative body shall adopt an ordinance at
 34 its next regular meeting following the election altering the number of
 35 legislative body members to the number specified in the public
 36 question. The legislative body may also alter existing districts and
 37 establish new districts in the manner prescribed by IC 36-5-1-10.1. An
 38 ordinance adopted under this subsection becomes effective January 1
 39 following its adoption.
- 40 (f) If the number of legislative body members is increased, the
 41 legislative body shall fill any resulting vacancy under IC 3-13-9-4. The
 42 legislative body may fill the vacancy before the ordinance described in



1 subsection (e) takes effect. However, a town legislative body member
 2 appointed under this subsection does not assume office until the
 3 beginning of the term specified in section 3 of this chapter.

4 SECTION 59. IC 36-5-2-4.5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) This
 6 section applies to a town if both of the following apply:

7 (1) The town has a population of more than ten thousand
 8 (10,000).

9 (2) The town legislative body adopts an ordinance adopting the
 10 provisions of this section. A town may not adopt an ordinance
 11 under this section during a year in which ~~municipal~~ elections **for**
 12 **municipal offices** are held **in the town** under **IC 3-10-5.5 or**
 13 **IC 3-10-6-5.**

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

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

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

19 (c) An ordinance adopted under this section must provide for the
 20 following:

21 (1) Four (4) members of the legislative body are elected during:

22 a

23 **(A) the odd-numbered year that municipal elections are held**
 24 **under ~~IC 3-10-6-5~~. before a presidential election year, if**
 25 **IC 3-10-5.5 does not apply to the town; or**

26 **(B) an even-numbered year, if IC 3-10-5.5 applies to the**
 27 **town.**

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

29 **(A) if IC 3-10-5.5 does not apply to the town, either:**

30 ~~(A)~~ **(i) during the year before the year described in**
 31 **subdivision ~~(1)~~; (1)(A); or**

32 ~~(B)~~ **(ii) during the year after the year described in**
 33 **subdivision ~~(1)~~; (1)(A); or**

34 **(B) if IC 3-10-5.5 applies to the town, during the**
 35 **even-numbered year after the year in which members are**
 36 **elected under subdivision (1)(B).**

37 The year for elections under this subdivision must be chosen so
 38 that during the elections held for the town legislative body under
 39 subdivision (4) **or (5)**, a member of the town legislative body does
 40 not serve a term of more than four (4) years.

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



1 (4) **If IC 3-10-5.5 does not apply to the town**, at the first two (2)
 2 elections after the ordinance is adopted, members are elected to
 3 serve the following terms:

4 (A) Two (2) members elected under subdivision ~~(1)~~ **(1)(A)** are
 5 elected to a four (4) year term and two (2) members elected
 6 under subdivision ~~(1)~~ **(1)(A)** are elected to a three (3) year
 7 term.

8 (B) Two (2) members elected under subdivision ~~(2)~~ **(2)(A)** are
 9 elected to a four (4) year term and one (1) member elected
 10 under subdivision ~~(2)~~ **(2)(A)** is elected to a three (3) year term.
 11 The ordinance must provide a random procedure to determine
 12 which members serve four (4) year terms and which members
 13 serve three (3) year terms.

14 **(5) If IC 3-10-5.5 applies to the town, at the first two (2)**
 15 **elections after the ordinance is adopted, members are elected**
 16 **to serve the following terms:**

17 **(A) Two (2) members elected under subdivision (1)(B) are**
 18 **elected to a four (4) year term and two (2) members elected**
 19 **under subdivision (1)(B) are elected to a two (2) year term.**

20 **(B) Two (2) members elected under subdivision (2)(B) are**
 21 **elected to a four (4) year term and one (1) member elected**
 22 **under subdivision (2)(B) is elected to a two (2) year term.**

23 **The ordinance must provide a random procedure to**
 24 **determine which members serve four (4) year terms and**
 25 **which members serve two (2) year terms.**

26 ~~(5)~~ **(6)** A member of the town council elected after the elections
 27 described in ~~subdivision~~ **subdivisions (4) and (5)** serves a term
 28 of four (4) years.

29 ~~(6)~~ **(7)** The term of office of a member begins at noon January 1
 30 after the member's election.

31 (d) An ordinance adopted under this section may provide that before
 32 the first election after adoption of the ordinance, members of the town
 33 legislative body added to the legislative body by the ordinance may be
 34 appointed to the legislative body by a vote of the current members of
 35 the legislative body.

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

39 (1) Divide the town into seven (7) districts.

40 (2) Provide that the members elected at large are each elected
 41 from a district.

42 An ordinance adopted under this subsection must comply with this



1 chapter in establishing the districts and provide details to provide a
 2 transition from electing two (2) members at large to electing all
 3 members from districts.

4 (f) Subject to this section, members of the town legislative body are
 5 elected as provided in **IC 3-10-5.5** or IC 3-10-6-4.5, **as applicable to**
 6 **the town.**

7 SECTION 60. IC 36-5-6-3, AS AMENDED BY P.L.56-2022,
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 3. (a) The clerk-treasurer must reside within
 10 the town as provided in Article 6, Section 6 of the Constitution of the
 11 State of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer
 12 ceases to be a resident of the town. An individual who resides in
 13 territory that is annexed by the town before the election is considered
 14 a resident of the town for purposes of this subsection, even if the
 15 annexation took effect less than one (1) year before the election.

16 (b) Except as provided in subsection ~~(e)~~, ~~(d)~~, ~~(e)~~, or ~~(f)~~; **(c) or (d)**,
 17 the term of office of the clerk-treasurer is four (4) years, beginning at
 18 noon January 1 after election and continuing until a successor is elected
 19 and qualified.

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

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

23 (2) continues until noon January 1 following the next:

24 **(A) municipal election scheduled under IC 3-10-6-5, or**
 25 **~~IC 3-10-7-6, if IC 3-10-5.5 does not apply to the town; or~~**

26 **(B) general election that will occur at least three (3) years**
 27 **after the clerk-treasurer's election, if IC 3-10-5.5 applies to**
 28 **the town;**

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

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

32 (1) one (1) year if the clerk-treasurer is elected at the next
 33 municipal election not conducted in a general election year; and

34 (2) four (4) years for the successors of the clerk-treasurer
 35 described in subdivision (1);

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

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

40 ~~(1) three (3) years if the clerk-treasurer is elected at the next~~
 41 ~~municipal election not conducted in a general election year; and~~

42 ~~(2) four (4) years for the successors of the clerk-treasurer~~



1 described in subdivision (1);
 2 beginning noon January 1 after the clerk-treasurer's election and
 3 continuing until the clerk-treasurer's successor is elected and qualified.
 4 (f) The term of office of a clerk-treasurer subject to an ordinance
 5 described by IC 3-10-7-2.9 is:
 6 (1) the term of office provided by the ordinance; not to exceed
 7 four (4) years; for the clerk-treasurer elected in the first election
 8 cycle after adoption of the ordinance; and
 9 (2) four (4) years for the successors of the clerk-treasurer
 10 described in subdivision (1).
 11 SECTION 61. IC 36-5-6-4 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The
 13 clerk-treasurer shall be elected under **IC 3-10-5.5** or IC 3-10-6 or
 14 ~~IC 3-10-7~~ by the voters of the whole town.
 15 SECTION 62. [EFFECTIVE UPON PASSAGE] **(a) The legislative**
 16 **services agency and the code revision committee shall prepare**
 17 **legislation for introduction in the 2027 regular session of the**
 18 **general assembly to make appropriate changes in statutes as**
 19 **required by this act.**
 20 **(b) This SECTION expires July 1, 2028.**
 21 SECTION 63. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1055, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1055 as introduced.)

WESCO

Committee Vote: Yeas 9, Nays 3

COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred House Bill No. 1055, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-1-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) Whenever a statute in this title, IC 6, IC 20, or IC 36 refers to a municipal primary election, the reference is to the primary election in a municipality at which candidates are nominated for election to municipal offices, as applicable to the municipality under IC 3-10-5.5 or IC 3-10-6.**

(b) Whenever a statute in this title, IC 6, IC 20, or IC 36 refers to a municipal election or a municipal general election, the reference is to the general election in a municipality at which candidates are elected to municipal offices, as applicable to the municipality under IC 3-10-5.5 or IC 3-10-6.

SECTION 2. IC 3-5-2.1-68.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 68.5. "Nonpresidential election year" refers to an even-numbered year that is not a presidential election year.**

SECTION 3. IC 3-5-2.1-82.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 82.8. "Presidential election year" refers to a year in which an election for electors for President of the United States is held.**

EH 1055—LS 6186/DI 144



SECTION 4. IC 3-5-3-8, AS AMENDED BY P.L.74-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~Except as provided in subsection (b);~~ During the period that begins ninety (90) days before a municipal primary election and continues until the day after the following municipal election, all expenses of the primary election and election that cannot be chargeable directly to any municipality shall be apportioned as follows:

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

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

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

~~(c) (b)~~ This subsection applies to a county that is designated as a vote center county under IC 3-11-18.1. During the period that begins ninety (90) days before a municipal primary election and continues until the day after the following municipal election, all expenses incurred by the county in conducting the municipal primary election and municipal election shall be apportioned among the municipalities in the county holding a municipal primary and municipal election.

SECTION 5. IC 3-5-3-9, AS AMENDED BY P.L.74-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in ~~subsections (c) and (d);~~ **subsection (c)**, whenever more than one (1) municipality in a county conducts a municipal primary election, the seventy-five percent (75%) of expenses that cannot be chargeable directly to any particular municipality under section 8 of this chapter shall be apportioned to each municipality in the same ratio that the number of voters who cast a ballot in the municipality at the municipal primary election bears to the total number of voters who cast a ballot in all of the municipalities in the county at that municipal primary election.

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



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

(d) (c) This subsection

(1) applies to a county designated as a vote center county under IC 3-11-18.1. and

(2) does not apply to a town that has entered into an agreement with the county under IC 3-10-7-4 to pay the county a fixed amount for its municipal primary election and municipal election expenses:

All expenses incurred by the county in conducting the municipal primary election and municipal election shall be apportioned to each municipality in the same ratio that the number of voters who cast a ballot in the municipality at the municipal primary election or the municipal election bears to the total number of voters who cast a ballot in all of the municipalities in the county at that municipal primary election or municipal election.

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

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

(2) Prepare all ballots.

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

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

SECTION 7. IC 3-6-5-15, AS AMENDED BY P.L.74-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in subsection (b), this section applies when an election is conducted in a political subdivision (as defined in IC 36-1-2-13 and other than a county) that contains territory in more than one (1) county.

(b) This section does not apply to an election

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

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



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

SECTION 8. IC 3-6-6-27 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 27: The county executive shall fix the compensation paid under sections 25 and 26 of this chapter for all elections except municipal elections held by towns under IC 3-10-7. The fiscal body of a town holding a municipal election under IC 3-10-7 shall fix the compensation paid under sections 25 and 26 of this chapter.~~

SECTION 9. IC 3-8-5-14.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.3. If a convention or a primary election is not required under section 10 of this chapter: ~~notwithstanding IC 3-10-7:~~

- (1) a municipal primary election or town convention may not be held; and
- (2) each candidate who filed a declaration of candidacy shall be placed on the municipal election ballot. ~~unless IC 3-10-7-6(b) applies.~~

SECTION 10. IC 3-8-5-14.5, AS AMENDED BY P.L.278-2019, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) A town election board or circuit court clerk conducting a municipal election under ~~IC 3-10-7~~ **IC 3-10-5.5 or IC 3-10-6** may not include the name of a candidate nominated by a town convention on the municipal election ballot if the person files a notice to withdraw with the clerk. The circuit court clerk shall notify the town election board of any candidate withdrawal filed under this subsection not later than the deadline for the clerk to file a copy of the certification of nomination under section 13(e) of this chapter.

(b) The notice to withdraw must:

- (1) be signed and acknowledged before an officer authorized to



take acknowledgments of deeds;

(2) have the certificate of acknowledgment appended to the notice; and

(3) be filed with the clerk no later than noon three (3) days following the adjournment of the convention.

SECTION 11. IC 3-8-6-11, AS AMENDED BY P.L.194-2013, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Whenever a town is wholly or partly located in a county having a consolidated city, a petition of nomination must be filed with the circuit court clerk of the county having the consolidated city.

~~(b) Whenever a town not described in subsection (a) has entered into an agreement with a county under IC 3-10-7-4, the petition must be filed with the county voter registration office of that county.~~

~~(c)~~ (b) When a petition is filed under subsection (a) ~~or (b)~~ for nomination to an office whose election district is in more than one (1) county, the circuit court clerk ~~or board of registration~~ shall examine the voter registration records of each county in the election district to determine if each petitioner is eligible to vote for the candidates being nominated by the petition.

SECTION 12. IC 3-10-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 5.5. Elections for Municipal Offices

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to an election for a municipal office after June 30, 2026, for a:

(1) town that has a population of not more than ten thousand (10,000);

(2) town that has a population of more than ten thousand (10,000) that has not adopted a resolution under section 2 of this chapter; and

(3) city that has adopted a resolution under section 2 of this chapter.

(b) This chapter does not apply to the town of Vernon (incorporated under Local Acts 1851, c.1, as amended).

Sec. 2. (a) The legislative body (as defined in IC 36-1-2-9) of a town that has a population of more than ten thousand (10,000) may adopt a resolution, by majority vote, not later than December 1, 2026, providing that the municipality elects to hold municipal elections on odd-numbered years under IC 3-10-6.

(b) The legislative body (as defined in IC 36-1-2-9) of a city may



adopt a resolution, by majority vote, not later than December 1, 2026, providing that the municipality elects to hold municipal elections during the general election in each presidential year.

(c) Except as provided in section 6(a), 6(b), and 6(c) of this chapter, if a legislative body:

(1) of a town that has a population of more than ten thousand (10,000) does not adopt a resolution under subsection (a); or

(2) of a city does adopt a resolution under subsection (b);

this chapter applies to the municipality.

(d) A copy of a resolution adopted under subsection (a) or (b) shall be filed with the secretary of state.

Sec. 3. (a) An individual elected to a municipal office at the 2023 municipal election is entitled to hold over after the expiration of the individual's term until a successor has been elected and qualified under subsection (b).

(b) The successor of an individual elected to a municipal office at the 2023 municipal election shall:

(1) be elected at the 2028 general election; and

(2) take office at noon on January 1, 2029.

(c) The successors of an individual elected to a municipal office under subsection (b) shall:

(1) be elected at the general election held in each presidential election year;

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

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

Sec. 4. (a) An individual elected as a judge of a city or town court at the 2023 municipal election is entitled to hold over after the expiration of the individual's term until a successor has been elected and qualified under subsection (b).

(b) The successor of an individual elected as a judge of a city or town court at the 2023 municipal election shall:

(1) be elected at the 2028 general election; and

(2) take office at noon on January 1, 2029.

(c) The successors of an individual elected as a judge of a city or town court under subsection (b) shall:

(1) be elected at the general election held in each presidential election year;

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

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

Sec. 5. Except as provided in section 6 of this chapter, the successors of an individual elected to a municipal office at the 2022 general election shall:



- (1) be elected at the general election held in each nonpresidential election year;
- (2) take office the following January 1 at noon; and
- (3) serve a term of four (4) years.

Sec. 6. (a) This subsection applies to an individual elected to a municipal office at the 2022 general election in a:

- (1) town that has a population of more than ten thousand (10,000) that has adopted a resolution under section 2(a) of this chapter; or
- (2) city that has not adopted a resolution under section 2(b) of this chapter.

An individual described in this subsection is entitled to hold over after the expiration of the individual's term until a successor has been elected. The successor of an individual described in this subsection shall be elected under IC 3-10-6 at the 2027 municipal election.

(b) This subsection applies to an individual elected to a municipal office at the 2023 municipal election in a:

- (1) town that has a population of more than ten thousand (10,000) that has adopted a resolution under section 2(a) of this chapter; or
- (2) city that has not adopted a resolution under section 2(b) of this chapter.

The successor of an individual described in this subsection shall be elected under IC 3-10-6 at the 2027 municipal election.

(c) Except as otherwise provided by law, the successors of an individual elected under subsection (a) or (b) shall:

- (1) be elected at the municipal election held in each odd-numbered year before a presidential election year under IC 3-10-6;
- (2) take office the following January 1; and
- (3) serve a term of four (4) years.

Sec. 7. The successors of an individual elected to a municipal office at the 2024 general election shall:

- (1) be elected at the general election held in each presidential election year;
- (2) take office the following January 1; and
- (3) serve a term of four (4) years.

Sec. 8. (a) This section applies to each political party whose nominee received at least ten percent (10%) of the votes cast for secretary of state at the most recent election for secretary of state.

(b) The political party shall nominate all candidates for election



to municipal offices at a primary election as provided in this article.

Sec. 9. (a) This section applies to a candidate of a political party:

- (1) not qualified to conduct a primary election under this article; and**
- (2) not required to nominate candidates by a petition of nomination under IC 3-8-6.**

(b) Notwithstanding IC 3-10-6-1, a candidate for election to a municipal office must be nominated at a convention in the manner described in IC 3-10-6-12.

Sec. 10. The general election for municipal offices shall be held on the first Tuesday after the first Monday in November of the following:

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

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

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

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

SECTION 13. IC 3-10-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter applies to municipal and school district elections in the following municipalities:

- (+) all cities and towns having a population of more than ten**



thousand (10,000) to which IC 3-10-5.5 does not apply.

(2) Towns having a population of three thousand five hundred (3,500) or more:

(3) Towns located entirely or partially within a county having a consolidated city, regardless of their population:

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

Page 1, line 4, strike "applies" and insert **"expires upon HEA 1055-2026 becoming effective."**

Page 1, line 4, strike "to".

Page 1, line 4, delete "all".

Page 1, line 4, strike "municipalities."

Page 1, after line 9, begin a new paragraph and insert:

"SECTION 14. IC 3-10-6.5-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 2: As used in this chapter, "municipal election year" refers to an odd-numbered year determined under IC 3-10-6-5.

SECTION 15. IC 3-10-6.5-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 3: During a year immediately before a municipal election year, the legislative body of a municipality may adopt an ordinance providing that each elected office of the municipality is elected in an even-numbered year:

SECTION 16. IC 3-10-6.5-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 4: An ordinance described in section 3 of this chapter must provide the following:

(1) The term of office for each individual elected to an office of the municipality at the next municipal election year. A term of office set under this subdivision must be either:

(A) one (1) year; or

(B) three (3) years;

as specified in the ordinance for each elected office of the municipality:

(2) That the successors of the individuals elected during the next municipal election year shall be elected in the following applicable even-numbered year as determined by the term of office set for each office in the ordinance under subdivision (1):

(3) That the term of office of the successors of the individuals elected for the initial term of office set for each office under subdivision (1) is four (4) years, beginning January 1 after their respective elections:

SECTION 17. IC 3-10-6.5-5 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 5: If a municipality adopts an ordinance under section 3 of this chapter, the elected officers of the municipality shall be



elected under IC 3-10-6 or IC 3-10-7:

- (1) ~~whichever is applicable to the municipality; and~~
- (2) ~~to the extent either of those statutes is not inconsistent with this chapter.~~

SECTION 18. IC 3-10-6.5-6 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 6: An ordinance adopted under this chapter:

- (1) ~~may not be repealed earlier than twelve (12) years after the ordinance was adopted under section 3 of this chapter; and~~
- (2) ~~may be repealed only in a year preceding a municipal election year.~~

SECTION 19. IC 3-10-6.5-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 7: An ordinance adopted under section 3 or 6 of this chapter takes effect when the ordinance is filed with the circuit court clerk of the county in which the largest percentage of the population of the municipality is located:

SECTION 20. IC 3-10-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Municipal Elections in Small Towns Located Outside Marion County).

SECTION 21. IC 3-10-12-3.4, AS AMENDED BY P.L.74-2017, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.4. (a) This section applies to a voter who:

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

- (A) in the same county; and
- (B) in the same congressional district;

as the former precinct; and

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

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

- (1) correct the voter registration record; and
- (2) vote in the precinct where the voter formerly resided;

if the voter makes an oral affirmation as described in subsection (e) or uses the affidavit prescribed by the election division under IC 3-10-11-6 to make a written affirmation **of the voter's current residence address** as described in section 4 of this chapter. ~~of the voter's current residence address.~~

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

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

- (1) ~~municipal~~ primary election **for municipal offices;**



(2) ~~municipal~~ **general election for municipal offices**; or
 (3) special election held only within the municipality;
 may not vote in the ~~municipal~~ primary election ~~municipal for municipal offices, general election for municipal offices~~, or special election held only within the municipality in the precinct of the person's former residence.

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

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

SECTION 22. IC 3-11-1.5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. **(a) In a year in which a general election is held**, a precinct establishment order may not become effective during ~~the following periods~~:

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

~~(2) (b) This subsection applies to a municipal election that is held in a municipality to which IC 3-10-5.5 does not apply.~~ For precincts located wholly or partially within a municipality, **a precinct establishment order may not become effective** after January 31 and before the day following municipal election day, in a year in which a municipal election is held.

SECTION 23. IC 3-11-1.5-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) If the boundaries of a municipality are extended before a ~~municipal primary election or a municipal an~~ election:

- (1) to nominate candidates for municipal offices; or**
- (2) to elect candidates for municipal offices;**

and the territory within those boundaries has not been included in precincts wholly within the municipality, the voters within the extended boundaries may vote, if otherwise qualified, in the ~~municipal~~ primary election or ~~municipal the~~ **general** election.

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



SECTION 24. IC 3-11-1.5-35, AS AMENDED BY P.L.2-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) This section applies to a county that has a precinct that crosses a boundary in violation of section 4(4), 4(5), or 4(6) of this chapter.

(b) Notwithstanding section 25 of this chapter, if the county does not issue a precinct establishment order that establishes precincts in compliance with section 4(4), 4(5), and 4(6) of this chapter by the January 31 following the last effective date described in section ~~25(2)~~ **25(b)** of this chapter, the commission may issue an order establishing precincts as provided under subsection (c).

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

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

SECTION 25. IC 3-11-10-26.5, AS AMENDED BY P.L.109-2021, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.5. (a) This section applies to:

- (1) a municipal election **conducted in a municipality to which IC 3-10-5.5 does not apply;**
- (2) a primary conducted in a municipal election year **in a municipality to which IC 3-10-5.5 does not apply;** and
- (3) a special election conducted under IC 3-10-8 and that is not conducted at the same time as any other election.

(b) Notwithstanding section 26 of this chapter or IC 3-11-18.1-4 in a vote center county, a county election board ~~(or a town election board acting under IC 3-10-7)~~ may adopt a resolution or an amendment to a county vote center plan by the unanimous vote of the board's entire membership stating that voters are entitled to vote by absentee ballot before an absentee voter board in the office of the circuit court clerk or town election board during specific days and hours identified in the resolution.

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

- (1) the number of absentee ballot applications anticipated or previously received for the election;
- (2) the expense to be incurred by providing absentee ballot voting in the office during the entire period required under section 26 of this chapter; and
- (3) that voters would experience little or no inconvenience by restricting absentee ballot voting in the office to the days and



hours specified in the resolution or amendment.

SECTION 26. IC 3-11-18.1-5, AS AMENDED BY P.L.141-2023, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsections (b), ~~and (c)~~; a plan must provide a vote center for use by voters residing within the county for use in a primary election, general election, special election, municipal primary, or municipal election conducted on or after the effective date of the county election board's order.

(b) A plan may provide that a vote center will not be used in a municipal election conducted in 2023, 2027, 2031, 2035, 2039, 2043, and every four (4) years thereafter for some or all of the towns:

- (1) located within the county; and
- (2) having a population of less than three thousand five hundred (3,500).

~~(c) This section does not apply in a town that has established a town election board under IC 3-10-7-5.7 while the resolution established under IC 3-10-7-5.7 is in effect.~~

SECTION 27. IC 3-12-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Whenever a candidate is elected:

- (1) to a local or school board office other than
 - ~~(A) one for which a town clerk-treasurer issues a certificate of election under IC 3-10-7-34; or~~
 - ~~(B) one commissioned by the governor under IC 4-3-1-5; or~~
- (2) a precinct committeeman or state convention delegate;

the circuit court clerk shall, when permitted under section 16 of this chapter, prepare and deliver to the candidate on demand a certificate of the candidate's election.

(b) This subsection applies to a local or school board office described in subsection (a) with an election district located in more than one (1) county and a local public question placed on the ballot in more than one (1) county. The circuit court clerk of the county that contains the greatest percentage of the population of the election district shall, upon demand of the candidate or a person entitled to request a recount of the votes cast on a public question under IC 3-12-12:

- (1) obtain the certified statement of the votes cast for that office or on that question that was prepared under IC 3-12-4-9 from the circuit court clerk in each other county in which the election district is located;
- (2) tabulate the total votes cast for that office or on that question as shown on the certified statement of each county in the election



district; and

(3) issue a certificate of election to the candidate when permitted under section 16 of this chapter or a certificate declaring the local public question approved or rejected.

SECTION 28. IC 3-12-6-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The circuit court clerk shall transmit the certificate prepared under section 30 of this chapter to the election division, the county election board or other public official authorized by this title to issue:

- (1) a certificate of nomination under IC 3-8-7;
- (2) a certificate of election under ~~IC 3-10-7-34~~ or IC 3-12-5-2; or
- (3) a commission for the office under IC 4-3-1-5.

(b) The election division shall provide a copy of a certificate transmitted to the election division under this section to the office.

SECTION 29. IC 3-12-11-25, AS AMENDED BY P.L.186-2025, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) Except as provided in subsection (b), whenever the commission makes a final determination under section 18 of this chapter that the candidate who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is nominated or elected, the candidate who received the second highest number of votes for the office is entitled to a certificate of nomination or certificate of election even though a certificate may have been issued to another candidate upon the tabulation of the votes.

(b) This subsection applies to a contest proceeding for a state office other than the offices of governor, lieutenant governor, justice of the supreme court, judge of the court of appeals, and judge of the tax court. Whenever the commission makes a final determination under section 18(b) of this chapter that the candidate who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is elected the following apply:

- (1) This subdivision does not apply to the filling of a state office following a contest proceeding or court action that resulted from an election held before January 1, 2011. The office is considered vacant, and the governor shall fill the vacancy as provided in IC 3-13-4-3(e) by the appointment of a person of the same political party as the candidate who is not eligible to serve.
- (2) The commission's determination that the candidate is not eligible to serve in the office does not affect the votes cast for the candidate for purposes of determining the number or percentage of votes cast for purposes of other statutes, including IC 3-5-2.1-62, IC 3-6-2-1, IC 3-6-4.1-6, IC 3-6-5.2-7, IC 3-6-6-8,



IC 3-6-7-1, IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2, IC 3-10-2-15, IC 3-10-4-2, IC 3-10-6, ~~IC 3-10-7-26~~, IC 3-11-2-6, IC 3-11-13-11, IC 3-11-14-3.5, IC 3-13-9-4.5, IC 6-9-2-3, and IC 36-4-1.5-2.

SECTION 30. IC 3-13-8-4, AS AMENDED BY P.L.119-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to a vacancy in the city-county council of a first class city not covered by section 1 of this chapter.

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

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

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

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

SECTION 31. IC 5-4-1-2, AS AMENDED BY P.L.55-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The oath required by section 1 of this chapter, except in the case of a notary public or in those cases specified in section 3 of this chapter, shall be endorsed on or attached to the:

- (1) commission;
- (2) certificate if a certificate was issued under ~~IC 3-10-7-34~~, IC 3-12-4 or IC 3-12-5; or
- (3) certificate of appointment pro tempore under IC 3-13-11-11;



signed by the person taking the oath, and certified to by the officer before whom the oath was taken, who shall also deliver to the person taking the oath a copy of the oath.

(b) A copy of the oath of office of a prosecuting attorney shall be attached to the commission of the prosecuting attorney.

SECTION 32. IC 33-35-1-1, AS AMENDED BY P.L.141-2023, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) During 2026, 2030, 2034, 2038, 2042, and every fourth year after that, a second or third class city or a town may by ordinance establish or abolish a city or town court. An ordinance to establish a city or town court must be adopted not less than one (1) year before the judge's term would begin under **IC 3-10-5.5-4** or section 3 of this chapter.

(b) The judge for a court established under subsection (a) shall be elected under **one (1) of the following, as applicable to the municipality:**

(1) IC 3-10-6, ~~or IC 3-10-7~~, at the municipal election in November 2023, 2027, 2031, 2035, 2039, 2043, and every four (4) years thereafter.

(2) **IC 3-10-5.5.**

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

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

(e) A city or town that establishes or abolishes a court under this section shall give notice of its action to the following:

(1) The office of judicial administration under IC 33-24-6.

(2) The secretary of state.

(3) The circuit court clerk of the county in which the greatest population of the city or town resides.

SECTION 33. IC 33-35-1-3, AS AMENDED BY P.L.109-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The judge of a city or town court shall be elected under **IC 3-10-5.5** or IC 3-10-6 ~~or IC 3-10-7~~ by the voters of the city or town.

(b) Except as provided in ~~subsections subsection (c), (d), and (e);~~ the term of office of a judge elected under this section is four (4) years, beginning at noon January 1 after election and continuing until a successor is elected and qualified.

(c) This subsection applies to a town that adopts an ordinance under IC 3-10-6-2.6. The term of office of:



- (1) a judge elected at the next municipal election not conducted in a general election year is one (1) year; and
- (2) the successors to the judge described in subdivision (1) is four (4) years;

beginning at noon January 1 after election and continuing until a successor is elected and qualified.

~~(d)~~ This subsection applies to a town that adopts an ordinance under ~~IC 3-10-7-2.7~~. The term of office of:

- ~~(1)~~ a judge elected at the next municipal election not conducted in a general election year is three (3) years; and
- ~~(2)~~ the successors to the judge described in subdivision ~~(1)~~ is four ~~(4)~~ years;

~~beginning noon January 1 after election and continuing until a successor is elected and qualified:~~

~~(e)~~ This subsection applies to a town that adopts an ordinance under ~~IC 3-10-7-2.9~~. The term of office of:

- ~~(1)~~ a judge elected in the first election cycle after adoption of the ordinance is the term of office provided by the ordinance, not to exceed four ~~(4)~~ years; and
- ~~(2)~~ the successors of the judge described in subdivision ~~(1)~~ is four ~~(4)~~ years.

~~(f)~~ ~~(d)~~ Before beginning the duties of office, the judge shall, in the manner prescribed by IC 5-4-1, execute a bond conditioned upon the faithful discharge of the duties of office.

SECTION 34. IC 33-35-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The officers of a city court are a:

- (1) judge;
- (2) clerk; and
- (3) bailiff.

However, in third class cities, the judge may act as clerk and perform all duties of the clerk of the court or appoint a clerk of the court. If the judge does not act as clerk of the court or appoint a clerk of the court, the city clerk-treasurer elected under **IC 3-10-5.5** or IC 3-10-6 shall perform the duties of the clerk of the city court.

(b) The clerk is an officer of a town court. The judge of a town court may act as clerk and perform all duties of the clerk of the court or appoint a clerk of the court. If the judge does not act as a clerk of the court or appoint a clerk of the court, the town clerk-treasurer elected under **IC 3-10-5.5** or IC 3-10-6 or ~~IC 3-10-7~~ shall perform the duties of the clerk of the town court.

(c) The clerk and bailiff may not receive any fees or compensation



other than their salaries.

SECTION 35. IC 36-1-2-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. "Nonpresidential election year" has the meaning set forth in IC 3-5-2.1-68.5.**

SECTION 36. IC 36-1-2-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13.5. "Presidential election year" has the meaning set forth in IC 3-5-2.1-82.8.**

SECTION 37. IC 36-1.5-4-35, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) This section applies to an initial election:

- (1) of the members of a governing body or officers that are elected by the voters for a reorganized political subdivision that:
 - (A) is a town; and
 - (B) has town boundaries that encompass part of another town that was part of the reorganization;
- (2) that is conducted before the reorganization takes effect; and
- (3) to which ~~IC 3-10-7-1~~ **IC 3-10-5.5** applies.

(b) The members of each precinct board shall be jointly appointed by the town election boards of each of the reorganizing political subdivisions.

SECTION 38. IC 36-1.5-4-36, AS AMENDED BY P.L.113-2010, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) This section applies if section 5 of this chapter requires an election for a reorganization to become effective.

(b) At the next:

- (1) general election, if:
 - (A) the reorganized political subdivision is not a municipality or a school corporation; **or**
 - (B) the reorganized political subdivision results from a reorganization including a county and at least one (1) municipality; **or**
 - (C) the reorganized political subdivision is a municipality to which IC 3-10-5.5 applies;**
- (2) municipal election, if the reorganized political subdivision is a municipality **to which IC 3-10-5.5 does not apply;** or
- (3) primary or general election, as specified in an election plan adopted in substantially identical resolutions by the legislative body of each of the participating political subdivisions if the



reorganized political subdivision is a school corporation; after the voters approve a reorganization, one (1) set of officers for the reorganized political subdivision having the combined population of the reorganizing political subdivisions shall be elected by the voters in the territory of the reorganized political subdivision as prescribed by statute.

(c) In the election described in subsection (b):

- (1) one (1) member of the legislative body of the reorganized political subdivision shall be elected from each election district established by the reorganizing political subdivisions in substantially identical resolutions adopted by the legislative body of each of the reorganizing political subdivisions; and
- (2) the total number of at large members shall be elected as prescribed by statute for the reorganized political subdivision.

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

SECTION 39. IC 36-3-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A mayor, who is the executive of both the consolidated city and the county, shall be elected under **IC 3-10-5.5 or IC 3-10-6, whichever is applicable to the consolidated city**, by the voters of the whole county.

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

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

SECTION 40. IC 36-3-4-2, AS AMENDED BY P.L.193-2021, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A city-county council, which is the legislative body of both the consolidated city and the county, shall be elected under **IC 3-10-5.5 or IC 3-10-6, whichever is applicable to the consolidated city**, by the voters of the county. The city-county council consists of twenty-five (25) members.

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

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



- (1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and
- (2) the district from which the member was elected.
- (d) A vacancy in the legislative body occurs whenever a member:
 - (1) dies, resigns, or is removed from office;
 - (2) ceases to be a resident of the district from which the member was elected; or
 - (3) is incapacitated to the extent that the member is unable to perform the member's duties for more than six (6) months.
- (e) The vacancy shall be filled under IC 3-13-8.
- (f) The term of office of a member of the legislative body is four (4) years, beginning at noon on January 1 after election and continuing until a successor is elected and qualified.

SECTION 41. IC 36-4-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Whenever the classification of a city under section 1 of this chapter changes due to a change in the city's population, the city shall be governed by the laws applicable to its new class, except as provided by subsection (b).

(b) The membership of a city legislative body remains unchanged until the expiration of the terms of its members, despite a change in the classification of the city for any reason. At the:

- (1) municipal election, **if IC 3-10-5.5 does not apply to the city;**
- or**
- (2) **general election, if IC 3-10-5.5 applies to the city;**

preceding the expiration of those terms, the number of members of the legislative body required by the laws applicable to its new class shall be elected. The powers, duties, functions, and office of an elected official of a city shall remain unchanged until the expiration of the term of the elected official, despite a change in city classification for any reason.

SECTION 42. IC 36-4-1.5-3, AS AMENDED BY P.L.202-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A town legislative body may satisfy the requirements of this section in an ordinance adopted either before or after the town's voters vote on the question described in section 2 of this chapter.

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

- (1) A division of the town into city legislative body districts as



provided in the applicable provisions of IC 36-4-6.

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

(A) The city executive.

(B) The members of the city legislative body.

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

(3) The date of the first election of the city officers. The first election may be held only on the date of the next ~~general election or municipal election whichever is earlier~~, **at which officers are elected in the municipality under IC 3-10-5.5 or IC 3-10-6**, following the date fixed for an election under section 2 of this chapter on the question of whether the town should be changed into a city. Candidates for election to the city offices shall be nominated:

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

(B) as otherwise provided in IC 3.

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

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

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

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

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

SECTION 43. IC 36-4-1.5-4, AS ADDED BY P.L.111-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Notwithstanding any other law, the term of office of the city officers elected at the first election of city officers held under the ordinance adopted under section 3 of this chapter:

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

(2) may not extend after December 31 of the next:

(A) municipal election year that occurs after the first election of city officers, **if IC 3-10-5.5 does not apply to the city; or**

(B) **general election year that occurs after the first election of city officers, if IC 3-10-5.5 applies to the city.**

(b) The ordinance adopted under section 3 of this chapter may provide for a shorter term of office for specified members of the city



legislative body to stagger terms as permitted under IC 3 and IC 36-4-6. **However, if IC 3-10-5.5 does not apply to the city, the ordinance may provide for a shorter term of office under this subsection only if a general election will occur in an even-numbered year before the next municipal election occurring in the odd-numbered year before a presidential election year, after the first election of city officers.**

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

SECTION 44. IC 36-4-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. An election held under section 2 or 3 of this chapter may not be held in a calendar year in which a ~~general~~ municipal election is to be held **in the odd-numbered year before a presidential election year.**

SECTION 45. IC 36-4-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) At the next general municipal election** After a vote in favor of a merger at an election held under section 2 or 3 of this chapter, one (1) set of officers for a municipality having the combined population of the merging municipalities shall be elected by the voters of the merging municipalities as prescribed by statute, except that:

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

(b) An election under subsection (a) must be held at the next:

- (1) municipal election occurring in the odd-numbered year before a presidential election year, if IC 3-10-5.5 does not apply to each of the merging municipalities; or**
- (2) general election, if IC 3-10-5.5 applies to one (1) or more of the merging municipalities.**

SECTION 46. IC 36-4-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The legislative bodies of municipalities that vote to merge under this chapter shall meet in joint session at the hall of the municipality having the largest population at 8 p.m. on the second Monday of January of the next year in which a:

- (1) general municipal election is to be held, if IC 3-10-5.5 applies to one (1) or more of the merging municipalities; or**
- (2) municipal election is to be held in the odd-numbered year before a presidential election year, if IC 3-10-5.5 does not apply to each of the merging municipalities.**



(b) At the joint meeting, the legislative bodies shall:

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

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

~~(b)~~ **(c)** If any territory in the municipality is not included in one (1) of the districts established under subsection ~~(a)~~; **(b)**, the territory is included in the district that:

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

~~(c)~~ **(d)** If any territory in the municipality is included in more than one (1) of the districts established under subsection ~~(a)~~; **(b)**, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the joint resolution adopted under subsection ~~(a)~~; **(b)**;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

~~(d)~~ **(e)** A copy of the joint resolution passed under subsection ~~(a)~~ **(b)** shall be:

- (1) certified by the presiding officer;
- (2) attested by the clerk; and
- (3) filed with the legislative body of each of the merging municipalities and the circuit court clerk of each county in which the municipalities are located.

SECTION 47. IC 36-4-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A mayor, who is the city executive, shall be elected under:

- (1) IC 3-10-5.5; or**
- (2) IC 3-10-6;**

as applicable to the city, by the voters of each city.

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

(c) Residency in territory that is annexed by the city before the election is considered residency for the purposes of subsection (b),



even if the annexation takes effect less than one (1) year before the election.

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

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

SECTION 48. IC 36-4-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A common council, which is the city legislative body, shall be elected under:

(1) IC 3-10-5.5; or

(2) IC 3-10-6;

as applicable to the city, by the voters of each city.

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

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

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

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

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

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

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

SECTION 49. IC 36-4-6-3, AS AMENDED BY P.L.169-2022, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section applies only to second class cities.

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

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

(2) are reasonably compact;

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

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

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

- (1) more than one (1) member of the legislative body elected from the districts established under subsection (b) resides in one (1) precinct established under IC 3-11-1.5 after the most recent ~~municipal~~ **municipal election for members of the city legislative body**; and
- (2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from districts resides within the same city legislative body district.

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

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

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

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

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

(g) Except as provided in subsection (j), the division under subsection (b) shall be made only at times permitted under IC 3-5-10.

(h) The legislative body is composed of six (6) members elected from the districts established under subsection (b) and three (3) at-large members.

(i) Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) If the legislative body determines that a division under subsection (g) is not required, the legislative body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(k) A copy of the ordinance establishing districts or a recertification adopted under this section must be filed with the circuit court clerk of



the county that contains the greatest population of the city not later than thirty (30) days after the ordinance or recertification is adopted. The filing must include a map of the district boundaries:

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

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

(m) IC 3-5-10 applies to a plan established under this section.

SECTION 50. IC 36-4-6-4, AS AMENDED BY P.L.169-2022, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities, except as provided by section 5 of this chapter.

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

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

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

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

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

(e) A city legislative body district with a boundary described by



subsection (c) or (d) may not cross a census block boundary line:

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

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

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

(g) Except as provided in subsection (o), the division under subsection (b), (j), or (m) shall be made only at times permitted under IC 3-5-10.

(h) This subsection does not apply to a city with an ordinance described by subsection (j) or (m). The legislative body is composed of five (5) members elected from the districts established under subsection (b) and two (2) at-large members.

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

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

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

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

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the



most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

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

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

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

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

- (1) adopted under subsection (b), (j), or (m); or
- (2) recertified under subsection (o).

(o) If the legislative body determines that a division under subsection (g) is not required, the legislative body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

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



(q) IC 3-5-10 applies to a plan established under this section.

SECTION 51. IC 36-4-6-5, AS AMENDED BY P.L.169-2022, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to third class cities having a population of less than ten thousand (10,000). The legislative body of such a city may, by ordinance adopted after June 30, 2010, and during a year in which an election of the legislative body will not occur, decide to be governed by this section instead of section 4 of this chapter. The legislative body districts created by an ordinance adopted under this subsection apply to the first election of the legislative body held after the date the ordinance is adopted. The clerk of the legislative body shall send a certified copy of any ordinance adopted under this subsection to the secretary of the county election board.

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

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

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

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

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

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

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

(f) The legislative body may not adopt an ordinance dividing the city



into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

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

(g) Except as provided in subsection (o), the division under subsection (b) or (j) shall be made only at times permitted under IC 3-5-10.

(h) This subsection does not apply to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members elected from the districts established under subsection (b) and one (1) at-large member.

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

(j) A city may adopt an ordinance under this subsection to divide the city into three (3) districts that:

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

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of three (3) members elected from the districts established under subsection (j) and two (2) at-large members.

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(m) This subsection applies to a city having a population of less than seven thousand (7,000). A legislative body of such a city that has, by resolution adopted before May 7, 1991, decided to continue an election



process that permits each voter of the city to vote for one (1) candidate at large and one (1) candidate from each of its four (4) council districts may hold elections using that voting arrangement. The at-large candidate and the candidate from each district receiving the most votes from the whole city are elected to the legislative body. The districts established in cities adopting such a resolution may cross precinct boundary lines.

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

- (1) adopted under subsection (b) or (j); or
- (2) recertified under subsection (o).

(o) If the legislative body determines that a division under subsection (b) or (j) is not required, the legislative body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

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

(q) IC 3-5-10 applies to a plan established under this section.

SECTION 52. IC 36-5-1-10.1, AS AMENDED BY P.L.104-2022, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.1. (a) If a majority of the voters voting on the public question under section 8 of this chapter vote "yes", the county executive shall adopt an ordinance incorporating the town.

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

- (1) either:
 - (A) provide that all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500)); or
 - (B) divide the town into ~~not less than~~ **at least** three (3) ~~nor and not~~ more than seven (7) districts; and
- (2) direct the county election board to conduct an election in the town on the date of the next general ~~or municipal~~ election to be



held in any precincts in the county.

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

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

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

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

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

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

(f) An ordinance adopted under this section becomes effective when filed with:

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

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

SECTION 53. IC 36-5-1.1-10.6, AS AMENDED BY P.L.104-2022, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.6. (a) This section applies to included towns.

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

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

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

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

(e) Dissolution occurs:

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

(f) When a town is dissolved under this section:

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

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

SECTION 54. IC 36-5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The town council elected under **IC 3-10-5.5** or IC 3-10-6 ~~or IC 3-10-7~~ is the town legislative body. The president of the town council selected under section 7 of this chapter is the town executive.

SECTION 55. IC 36-5-2-3, AS AMENDED BY P.L.109-2015, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), (c), (d), ~~or (e), (f), or (g)~~, the term of office of a member of the legislative body is four (4) years, beginning at noon January 1 after the member's election and continuing until the member's successor is elected and qualified.

(b) The term of office of a member of the legislative body appointed



to fill a vacancy resulting from an increase in the number of town legislative body members under section 4.2 of this chapter:

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

(2) continues until:

(A) noon January 1 following the next ~~municipal~~ election scheduled under ~~IC 3-10-6-5 or IC 3-10-7-6~~ **for members of the town legislative body; and until**

(B) the member's successor is elected and qualified.

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

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

(2) continues until:

(A) noon January 1 following the next ~~municipal~~ election scheduled under **IC 3-10-5.5 or IC 3-10-6-5 or IC 3-10-7-6, as applicable to the municipality; and until**

(B) the member's successor is elected and qualified.

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

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

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

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

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

~~beginning noon January 1 after election and continuing until a successor is elected and qualified.~~

~~(g) The term of office of a member of a legislative body subject to an ordinance described by IC 3-10-7-2.9 is:~~

~~(1) the term of office provided by the ordinance, not to exceed four (4) years; for a member of the legislative body elected in the first election cycle after adoption of the ordinance; and~~

~~(2) four (4) years for the successors of the member of a legislative body described in subdivision (1).~~



SECTION 56. IC 36-5-2-4.1, AS AMENDED BY P.L.169-2022, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) The legislative body may, by ordinance, divide the town into districts for the purpose of conducting elections of town officers.

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

- (1) The district must be composed of contiguous territory, except for territory that is not contiguous to any other part of the town.
- (2) The district must be reasonably compact.
- (3) The district must contain, as nearly as is possible, equal population.
- (4) The district may not cross a census block boundary except when following a precinct boundary line or unless the ordinance specifies that the census block has no population and is not likely to have population before the effective date of the next federal decennial census.
- (5) The district may not cross precinct lines, except as provided in subsection (c).

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

- (1) the legislative body provides by ordinance under section 5 of this chapter that all legislative body members are to be elected at large by the voters of the whole town; or
- (2) the district would not otherwise contain, as nearly as is possible, equal population.

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

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

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

(f) This subsection does not apply to a town with an ordinance described by subsection (g). Except as provided in subsection (j), the division permitted by subsection (a) shall be made only at times permitted under IC 3-5-10.

(g) This subsection applies to a town having a population of less than three thousand five hundred (3,500). The town legislative body



may adopt an ordinance providing that:

- (1) town legislative body districts are abolished; and
 - (2) all members of the legislative body are elected at large.
- (h) An ordinance described by subsection (g):
- (1) may not be adopted or repealed during a year in which a ~~municipal~~ **an election for municipal office** is scheduled to be conducted in the town under **IC 3-10-5.5 or** IC 3-10-6; ~~or IC 3-10-7~~; and
 - (2) is effective upon passage.
- (i) A copy of the ordinance establishing districts or a recertification under this section must be filed with the circuit court clerk of the county that contains the greatest population of the town not later than thirty (30) days after the ordinance or recertification is adopted. The filing must include a map of the district boundaries:
- (1) adopted under subsection (a); or
 - (2) recertified under subsection (j).
- (j) If the legislative body determines that a division under subsection (a) is not required, the legislative body shall adopt an ordinance recertifying that the districts as drawn comply with this section.
- (k) The limitations set forth in this section are part of the ordinance, but do not have to be specifically set forth in the ordinance. The ordinance must be construed, if possible, to comply with this chapter. If a provision of the ordinance or an application of the ordinance violates this chapter, the invalidity does not affect the other provisions or applications of the ordinance that can be given effect without the invalid provision or application. The provisions of the ordinance are severable.
- (l) This subsection applies to a town having a population of less than three thousand five hundred (3,500). If the town legislative body has not:
- (1) adopted an ordinance under subsection (a) and subject to subsection (f) after December 31, 2011; or
 - (2) adopted an ordinance recertifying districts under subsection (j) after December 31, 2011;
- the town legislative body districts are abolished, effective January 1, 2018. A town described by this subsection may adopt an ordinance to establish town legislative body districts in accordance with subsection (a) and subject to subsection (f) after January 1, 2018.

(m) IC 3-5-10 applies to a plan established under this section.

SECTION 57. IC 36-5-2-4.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.2. (a) This section applies to the alteration of the number of members of a

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legislative body.

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

- (1) The proposed number of legislative body members, which must be at least three (3) and not more than seven (7).
- (2) The date of the general ~~municipal~~, or special election at which the public question will appear on the ballot.
- (3) That the following question will be placed on the ballot in the form provided by IC 3-10-9-4:

"Shall the number of town council members be increased (or decreased, if applicable) from _____ (insert the current number of members provided for) to _____ (insert the number of members proposed in the resolution)?"

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

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

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

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

SECTION 58. IC 36-5-2-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) This section applies to a town if both of the following apply:

- (1) The town has a population of more than ten thousand (10,000).
- (2) The town legislative body adopts an ordinance adopting the

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provisions of this section. A town may not adopt an ordinance under this section during a year in which ~~municipal~~ **municipal elections for municipal offices are held in the town under IC 3-10-5.5 or IC 3-10-6-5.**

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

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

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

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

(1) Four (4) members of the legislative body are elected during:

^a

(A) the odd-numbered year that municipal elections are held under ~~IC 3-10-6-5~~. before a presidential election year, if IC 3-10-5.5 does not apply to the town; or

(B) an even-numbered year, if IC 3-10-5.5 applies to the town.

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

(A) if IC 3-10-5.5 does not apply to the town, either:

~~(A)~~ **(i)** during the year before the year described in subdivision ~~(1)~~; **(1)(A)**; or

~~(B)~~ **(ii)** during the year after the year described in subdivision ~~(1)~~; **(1)(A)**; or

(B) if IC 3-10-5.5 applies to the town, during the even-numbered year after the year in which members are elected under subdivision (1)(B).

The year for elections under this subdivision must be chosen so that during the elections held for the town legislative body under subdivision (4) **or (5)**, a member of the town legislative body does not serve a term of more than four (4) years.

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

(4) **If IC 3-10-5.5 does not apply to the town**, at the first two (2) elections after the ordinance is adopted, members are elected to serve the following terms:

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

(B) Two (2) members elected under subdivision ~~(2)~~ **(2)(A)** are elected to a four (4) year term and one (1) member elected



under subdivision ~~(2)~~ **(2)(A)** is elected to a three (3) year term. The ordinance must provide a random procedure to determine which members serve four (4) year terms and which members serve three (3) year terms.

(5) If IC 3-10-5.5 applies to the town, at the first two (2) elections after the ordinance is adopted, members are elected to serve the following terms:

(A) Two (2) members elected under subdivision (1)(B) are elected to a four (4) year term and two (2) members elected under subdivision (1)(B) are elected to a two (2) year term.

(B) Two (2) members elected under subdivision (2)(B) are elected to a four (4) year term and one (1) member elected under subdivision (2)(B) is elected to a two (2) year term.

The ordinance must provide a random procedure to determine which members serve four (4) year terms and which members serve two (2) year terms.

~~(5)~~ **(6)** A member of the town council elected after the elections described in ~~subdivision~~ **subdivisions (4) and (5)** serves a term of four (4) years.

~~(6)~~ **(7)** The term of office of a member begins at noon January 1 after the member's election.

(d) An ordinance adopted under this section may provide that before the first election after adoption of the ordinance, members of the town legislative body added to the legislative body by the ordinance may be appointed to the legislative body by a vote of the current members of the legislative body.

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

(1) Divide the town into seven (7) districts.

(2) Provide that the members elected at large are each elected from a district.

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

(f) Subject to this section, members of the town legislative body are elected as provided in **IC 3-10-5.5 or IC 3-10-6-4.5, as applicable to the town.**

SECTION 59. IC 36-5-6-3, AS AMENDED BY P.L.56-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The clerk-treasurer must reside within



the town as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer ceases to be a resident of the town. An individual who resides in territory that is annexed by the town before the election is considered a resident of the town for purposes of this subsection, even if the annexation took effect less than one (1) year before the election.

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

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

- (1) begins at noon November 30 following the election; and
- (2) continues until noon January 1 following the next:

- (A) municipal election scheduled under IC 3-10-6-5, or ~~IC 3-10-7-6~~; **if IC 3-10-5.5 does not apply to the town; or**
- (B) **general election that will occur at least three (3) years after the clerk-treasurer's election, if IC 3-10-5.5 applies to the town;**

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

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

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

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

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

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

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

~~(f) The term of office of a clerk-treasurer subject to an ordinance described by IC 3-10-7-2.9 is:~~

- ~~(1) the term of office provided by the ordinance; not to exceed four (4) years; for the clerk-treasurer elected in the first election cycle after adoption of the ordinance; and~~
- ~~(2) four (4) years for the successors of the clerk-treasurer~~



described in subdivision (1):

SECTION 60. IC 36-5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The clerk-treasurer shall be elected under **IC 3-10-5.5** or IC 3-10-6 or ~~IC 3-10-7~~ by the voters of the whole town.

SECTION 61. [EFFECTIVE UPON PASSAGE] **(a) The legislative services agency and the code revision committee shall prepare legislation for introduction in the 2027 regular session of the general assembly to make appropriate changes in statutes as required by this act.**

(b) This SECTION expires July 1, 2028.

SECTION 62. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1055 as printed January 14, 2026.)

GASKILL, Chairperson

Committee Vote: Yeas 6, Nays 3.

