

# PROPOSED AMENDMENT

## HB 1055 # 7

### DIGEST

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

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- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 3-5-1-3 IS ADDED TO THE INDIANA CODE AS  
4 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON  
5 PASSAGE]: **Sec. 3. (a) Whenever a statute in this title, IC 6, IC 20,**  
6 **or IC 36 refers to a municipal primary election, the reference is to**  
7 **the primary election in a municipality at which candidates are**  
8 **nominated for election to municipal offices, as applicable to the**  
9 **municipality under IC 3-10-5.5 or IC 3-10-6.**  
10           **(b) Whenever a statute in this title, IC 6, IC 20, or IC 36 refers**  
11 **to a municipal election or a municipal general election, the**  
12 **reference is to the general election in a municipality at which**  
13 **candidates are elected to municipal offices, as applicable to the**  
14 **municipality under IC 3-10-5.5 or IC 3-10-6.**  
15           SECTION 2. IC 3-5-2.1-68.5 IS ADDED TO THE INDIANA  
16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE UPON PASSAGE]: **Sec. 68.5. "Nonpresidential**  
18 **election year" refers to an even-numbered year that is not a**  
19 **presidential election year.**  
20           SECTION 3. IC 3-5-2.1-82.8 IS ADDED TO THE INDIANA  
21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
22 [EFFECTIVE UPON PASSAGE]: **Sec. 82.8. "Presidential election**  
23 **year" refers to a year in which an election for electors for**  
24 **President of the United States is held.**  
25           SECTION 4. IC 3-5-3-8, AS AMENDED BY P.L.74-2017,  
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 8. (a) ~~Except as provided in subsection (b);~~  
 2 During the period that begins ninety (90) days before a municipal  
 3 primary election and continues until the day after the following  
 4 municipal election, all expenses of the primary election and election  
 5 that cannot be chargeable directly to any municipality shall be  
 6 apportioned as follows:

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

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

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

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

21 SECTION 5. IC 3-5-3-9, AS AMENDED BY P.L.74-2017,  
 22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 9. (a) Except as provided in ~~subsections (c)~~  
 24 ~~and (d);~~ **subsection (c)**, whenever more than one (1) municipality in a  
 25 county conducts a municipal primary election, the seventy-five percent  
 26 (75%) of expenses that cannot be chargeable directly to any particular  
 27 municipality under section 8 of this chapter shall be apportioned to  
 28 each municipality in the same ratio that the number of voters who cast  
 29 a ballot in the municipality at the municipal primary election bears to  
 30 the total number of voters who cast a ballot in all of the municipalities  
 31 in the county at that municipal primary election.

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

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

5           ~~(d)~~ (c) This subsection

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

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

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

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

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

26           (2) Prepare all ballots.

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

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

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

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

40           ~~(1)~~ conducted at the same time as a primary or general election

1 during an even-numbered year. ~~or~~

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

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

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

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

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

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

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

1 copy of the certification of nomination under section 13(e) of this  
2 chapter.

3 (b) The notice to withdraw must:

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

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

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

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

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

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

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

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

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

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

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

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

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

1           **Sec. 2. (a) The legislative body (as defined in IC 36-1-2-9) of a**  
 2 **town that has a population of more than ten thousand (10,000) may**  
 3 **adopt a resolution, by majority vote, not later than December 1,**  
 4 **2026, providing that the municipality elects to hold municipal**  
 5 **elections on odd-numbered years under IC 3-10-6.**

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

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

12           **(1) of a town that has a population of more than ten thousand**  
 13 **(10,000) does not adopt a resolution under subsection (a); or**

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

15 **this chapter applies to the municipality.**

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

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

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

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

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

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

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

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

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

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

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

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

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

40          **(c) The successors of an individual elected as a judge of a city or**

1 town court under subsection (b) shall:

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

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

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

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

- 15 (1) town that has a population of more than ten thousand  
 16 (10,000) that has adopted a resolution under section 2(a) of  
 17 this chapter; or  
 18 (2) city that has not adopted a resolution under section 2(b) of  
 19 this chapter.

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

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

- 27 (1) town that has a population of more than ten thousand  
 28 (10,000) that has adopted a resolution under section 2(a) of  
 29 this chapter; or  
 30 (2) city that has not adopted a resolution under section 2(b) of  
 31 this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           **(2) A nonpresidential election year, for municipal offices**  
27 **whose terms expire at the end of the nonpresidential election**  
28 **year.**

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

36           **(1) upon written request of their counterpart election officers**  
37 **in the county with the greatest percentage of the population**  
38 **of the municipality, establish precincts in the municipality;**  
39 **and**

40           **(2) supply the precincts established with poll lists and perform**

1           **all other duties under this title as if the voters were**  
 2           **inhabitants of a municipality with the greatest percentage of**  
 3           **its population within that county.**

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

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

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

14           (2) Towns having a population of three thousand five hundred  
 15           (3,500) or more.

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

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

20          Page 1, line 4, strike "applies" and insert "**expires upon HEA**  
 21          **1055-2026 becoming effective.**".

22          Page 1, line 4, strike "to".

23          Page 1, line 4, delete "all".

24          Page 1, line 4, strike "municipalities."

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

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

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

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

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

40           (A) one (1) year; or

1           (B) three (3) years;  
2           as specified in the ordinance for each elected office of the  
3           municipality.

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

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

12          SECTION 17. IC 3-10-6.5-5 IS REPEALED [EFFECTIVE UPON  
13          PASSAGE]. Sec. 5: If a municipality adopts an ordinance under section  
14          3 of this chapter, the elected officers of the municipality shall be  
15          elected under IC 3-10-6 or IC 3-10-7:

16               (1) whichever is applicable to the municipality; and  
17               (2) to the extent either of those statutes is not inconsistent with  
18               this chapter:

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

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

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

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

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

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

38                       (A) in the same county; and  
39                       (B) in the same congressional district;  
40               as the former precinct; and

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

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

4 (1) correct the voter registration record; and

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

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

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

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

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

17 (2) ~~municipal~~ **general election for municipal offices;** or

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

19 may not vote in the ~~municipal~~ primary election ~~municipal~~ **for**  
20 **municipal offices, general election for municipal offices,** or special  
21 election held only within the municipality in the precinct of the person's  
22 former residence.

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

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

29 (2) initial the affirmation.

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

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

38 ~~(2)~~ **(b) This subsection applies to a municipal election that is**  
39 **held in a municipality to which IC 3-10-5.5 does not apply.** For

1       precincts located wholly or partially within a municipality, **a precinct**  
 2       **establishment order may not become effective** after January 31 and  
 3       before the day following municipal election day, in a year in which a  
 4       municipal election is held.

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

9               **(1) to nominate candidates for municipal offices; or**

10              **(2) to elect candidates for municipal offices;**

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

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

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

25       (b) Notwithstanding section 25 of this chapter, if the county does  
 26       not issue a precinct establishment order that establishes precincts in  
 27       compliance with section 4(4), 4(5), and 4(6) of this chapter by the  
 28       January 31 following the last effective date described in section ~~25(2)~~  
 29       **25(b)** of this chapter, the commission may issue an order establishing  
 30       precincts as provided under subsection (c).

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

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

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

38               (1) a municipal election **conducted in a municipality to which**  
 39               **IC 3-10-5.5 does not apply;**

40               (2) a primary conducted in a municipal election year **in a**

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

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

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

- 15           (1) the number of absentee ballot applications anticipated or  
 16           previously received for the election;  
 17           (2) the expense to be incurred by providing absentee ballot voting  
 18           in the office during the entire period required under section 26 of  
 19           this chapter; and  
 20           (3) that voters would experience little or no inconvenience by  
 21           restricting absentee ballot voting in the office to the days and  
 22           hours specified in the resolution or amendment.

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

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

- 33           (1) located within the county; and  
 34           (2) having a population of less than three thousand five hundred  
 35           (3,500).

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

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

1 candidate is elected:

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

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

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

- 18 (1) obtain the certified statement of the votes cast for that office  
 19 or on that question that was prepared under IC 3-12-4-9 from the  
 20 circuit court clerk in each other county in which the election  
 21 district is located;  
 22 (2) tabulate the total votes cast for that office or on that question  
 23 as shown on the certified statement of each county in the election  
 24 district; and  
 25 (3) issue a certificate of election to the candidate when permitted  
 26 under section 16 of this chapter or a certificate declaring the local  
 27 public question approved or rejected.

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

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

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

38 SECTION 29. IC 3-12-11-25, AS AMENDED BY P.L.186-2025,  
 39 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 UPON PASSAGE]: Sec. 25. (a) Except as provided in subsection (b),

1 whenever the commission makes a final determination under section  
 2 18 of this chapter that the candidate who is subject to a contest  
 3 proceeding is not eligible to serve in the office to which the candidate  
 4 is nominated or elected, the candidate who received the second highest  
 5 number of votes for the office is entitled to a certificate of nomination  
 6 or certificate of election even though a certificate may have been issued  
 7 to another candidate upon the tabulation of the votes.

8 (b) This subsection applies to a contest proceeding for a state office  
 9 other than the offices of governor, lieutenant governor, justice of the  
 10 supreme court, judge of the court of appeals, and judge of the tax court.  
 11 Whenever the commission makes a final determination under section  
 12 18(b) of this chapter that the candidate who is subject to a contest  
 13 proceeding is not eligible to serve in the office to which the candidate  
 14 is elected the following apply:

15 (1) This subdivision does not apply to the filling of a state office  
 16 following a contest proceeding or court action that resulted from  
 17 an election held before January 1, 2011. The office is considered  
 18 vacant, and the governor shall fill the vacancy as provided in  
 19 IC 3-13-4-3(e) by the appointment of a person of the same  
 20 political party as the candidate who is not eligible to serve.

21 (2) The commission's determination that the candidate is not  
 22 eligible to serve in the office does not affect the votes cast for the  
 23 candidate for purposes of determining the number or percentage  
 24 of votes cast for purposes of other statutes, including  
 25 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,  
 26 IC 3-6-7-1, IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2,  
 27 IC 3-10-2-15, IC 3-10-4-2, IC 3-10-6, ~~IC 3-10-7-26~~, IC 3-11-2-6,  
 28 IC 3-11-13-11, IC 3-11-14-3.5, IC 3-13-9-4.5, IC 6-9-2-3, and  
 29 IC 36-4-1.5-2.

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

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

40 (1) be in writing;

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

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

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

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

- 24 (1) commission;  
 25 (2) certificate if a certificate was issued under ~~IC 3-10-7-34~~,  
 26 IC 3-12-4 or IC 3-12-5; or  
 27 (3) certificate of appointment pro tempore under IC 3-13-11-11;  
 28 signed by the person taking the oath, and certified to by the officer  
 29 before whom the oath was taken, who shall also deliver to the person  
 30 taking the oath a copy of the oath.

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

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

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

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

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

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

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

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

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

16 (2) The secretary of state.

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

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

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

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

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

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

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

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

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

40 ~~(2) the successors to the judge described in subdivision (1) is four~~

1           (4) years;  
 2 beginning noon January 1 after election and continuing until a  
 3 successor is elected and qualified.

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

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

9           (2) the successors of the judge described in subdivision (1) is four  
 10 (4) years.

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

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

17           (1) judge;

18           (2) clerk; and

19           (3) bailiff.

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

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

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

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

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

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

5 (1) of the members of a governing body or officers that are  
 6 elected by the voters for a reorganized political subdivision that:

7 (A) is a town; and

8 (B) has town boundaries that encompass part of another town  
 9 that was part of the reorganization;

10 (2) that is conducted before the reorganization takes effect; and

11 (3) to which ~~IC 3-10-7-1~~ **IC 3-10-5.5** applies.

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

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

20 (b) At the next:

21 (1) general election, if:

22 (A) the reorganized political subdivision is not a municipality  
 23 or a school corporation; ~~or~~

24 (B) the reorganized political subdivision results from a  
 25 reorganization including a county and at least one (1)  
 26 municipality; ~~or~~

27 **(C) the reorganized political subdivision is a municipality**  
 28 **to which IC 3-10-5.5 applies;**

29 (2) municipal election, if the reorganized political subdivision is  
 30 a municipality **to which IC 3-10-5.5 does not apply;** or

31 (3) primary or general election, as specified in an election plan  
 32 adopted in substantially identical resolutions by the legislative  
 33 body of each of the participating political subdivisions if the  
 34 reorganized political subdivision is a school corporation;

35 after the voters approve a reorganization, one (1) set of officers for the  
 36 reorganized political subdivision having the combined population of  
 37 the reorganizing political subdivisions shall be elected by the voters in  
 38 the territory of the reorganized political subdivision as prescribed by  
 39 statute.

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

1 (1) one (1) member of the legislative body of the reorganized  
 2 political subdivision shall be elected from each election district  
 3 established by the reorganizing political subdivisions in  
 4 substantially identical resolutions adopted by the legislative body  
 5 of each of the reorganizing political subdivisions; and

6 (2) the total number of at large members shall be elected as  
 7 prescribed by statute for the reorganized political subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) **general election, if IC 3-10-5.5 applies to the city;**  
20 preceding the expiration of those terms, the number of members of the  
21 legislative body required by the laws applicable to its new class shall  
22 be elected. The powers, duties, functions, and office of an elected  
23 official of a city shall remain unchanged until the expiration of the term  
24 of the elected official, despite a change in city classification for any  
25 reason.

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

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

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

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

40 (A) The city executive.

- 1 (B) The members of the city legislative body.
- 2 (C) The city clerk or city clerk-treasurer as appropriate under  
3 IC 36-4-10.
- 4 (3) The date of the first election of the city officers. The first  
5 election may be held only on the date of the next ~~general election~~  
6 ~~or municipal election whichever is earlier, at which officers are~~  
7 **elected in the municipality under IC 3-10-5.5 or IC 3-10-6,**  
8 following the date fixed for an election under section 2 of this  
9 chapter on the question of whether the town should be changed  
10 into a city. Candidates for election to the city offices shall be  
11 nominated:
- 12 (A) at the corresponding primary election during a general  
13 election year or a municipal election year; or  
14 (B) as otherwise provided in IC 3.
- 15 (4) Subject to section 4 of this chapter, the term of office of each  
16 city officer elected at the first election of city officers.
- 17 (5) Any other details the town legislative body considers useful in  
18 providing for the transition of the town into a city.
- 19 (c) An ordinance adopted under this section is effective only if the  
20 voters of the town approve the conversion of the town into a city under  
21 section 2(6) of this chapter.
- 22 (d) The provisions of an ordinance adopted under this section are  
23 subject to all other laws governing the structure of city government.
- 24 (e) Subject to this chapter, the town legislative body or the city  
25 legislative body (after the town is changed into a city) may amend an  
26 ordinance adopted under this section.
- 27 SECTION 43. IC 36-4-1.5-4, AS ADDED BY P.L.111-2005,  
28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 UPON PASSAGE]: Sec. 4. (a) Notwithstanding any other law, the term  
30 of office of the city officers elected at the first election of city officers  
31 held under the ordinance adopted under section 3 of this chapter:
- 32 (1) begins on January 1 after the first election of city officers; and  
33 (2) may not extend after December 31 of the next:
- 34 (A) municipal election year that occurs after the first election  
35 of city officers, **if IC 3-10-5.5 does not apply to the city; or**  
36 **(B) general election year that occurs after the first election**  
37 **of city officers, if IC 3-10-5.5 applies to the city.**
- 38 (b) The ordinance adopted under section 3 of this chapter may  
39 provide for a shorter term of office for specified members of the city  
40 legislative body to stagger terms as permitted under IC 3 and IC 36-4-6.

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

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

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

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

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

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

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

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

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

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

37 **(1) general ~~municipal~~ election is to be held, if IC 3-10-5.5 applies**  
 38 **to one (1) or more of the merging municipalities; or**

39 **(2) municipal election is to be held in the odd-numbered year**  
 40 **before a presidential election year, if IC 3-10-5.5 does not**

1           **apply to each of the merging municipalities.**

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

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

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

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

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

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

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

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

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

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

37           **(1) IC 3-10-5.5; or**

38           **(2) IC 3-10-6;**

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

40          (b) A person is eligible to be a city executive only if the person

1 meets the qualifications prescribed by IC 3-8-1-26.

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

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

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

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

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

17 (2) IC 3-10-6;

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

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

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

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

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

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

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

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

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

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

40 (1) are composed of contiguous territory, except for territory that

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

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

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

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

11 (1) adopted under subsection (b); or

12 (2) recertified under subsection (j).

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

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

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

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

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

31 (2) are reasonably compact;

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

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

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

37 (1) more than one (1) member of the legislative body elected from  
38 the districts established under subsection (b), (j), or (m) resides in  
39 one (1) precinct established under IC 3-11-1.5 after the most  
40 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;

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

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

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

8 (l) This subsection applies to a city with an ordinance described by  
9 subsection (j). Each voter of the city may vote for three (3) candidates  
10 for at-large membership and one (1) candidate from the district in  
11 which the voter resides. The three (3) at-large candidates receiving the  
12 most votes from the whole city and the district candidates receiving the  
13 most votes from their respective districts are elected to the legislative  
14 body.

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

21 (1) the city shall be divided into three (3) districts that:

22 (A) are composed of contiguous territory;

23 (B) are reasonably compact;

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

26 (D) contain, as nearly as is possible, equal population; and

27 (2) the legislative body of the city is composed of three (3)  
28 members elected from the districts established under this  
29 subsection and two (2) at-large members.

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

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

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

1 (2) recertified under subsection (o).

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

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

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

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

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

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

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

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

- 1            ~~municipal~~ **election for members of the city legislative 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) or (j) 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). The legislative body is composed of four  
28           (4) members elected from the districts established under subsection (b)  
29           and one (1) at-large member.
- 30           (i) This subsection does not apply to a city with an ordinance  
31           described by subsection (j). Each voter may vote for one (1) candidate  
32           for at-large membership and one (1) candidate from the district in  
33           which the voter resides. The at-large candidate receiving the most votes  
34           from the whole city and the district candidates receiving the most votes  
35           from their respective districts are elected to the legislative body.
- 36           (j) A city may adopt an ordinance under this subsection to divide the  
37           city into three (3) districts that:  
38                (1) are composed of contiguous territory, except for territory that  
39                is not contiguous to any other part of the city;  
40                (2) are reasonably compact;

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

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

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

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

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

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

30 (1) adopted under subsection (b) or (j); or

31 (2) recertified under subsection (o).

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

36 (p) The limitations set forth in this section are part of the ordinance,  
37 but do not have to be specifically set forth in the ordinance. The  
38 ordinance must be construed, if possible, to comply with this chapter.  
39 If a provision of the ordinance or an application of the ordinance  
40 violates this chapter, the invalidity does not affect the other provisions

1 or applications of the ordinance that can be given effect without the  
 2 invalid provision or application. The provisions of the ordinance are  
 3 severable.

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

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

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

12 (1) either:

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

16 (B) divide the town into ~~not less than~~ **at least** three (3) ~~nor and~~  
 17 **not** more than seven (7) districts; and

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

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

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

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

34 (1) is contiguous to that territory; and

35 (2) contains the least population of all districts contiguous to that  
 36 territory.

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

40 (1) is one (1) of the districts in which the territory is described in

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

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

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

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

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

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

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

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

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

36          (e) Dissolution occurs:

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

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

- 1 (1) the territory included within the town when the ordinance was  
 2 adopted becomes a part of the consolidated city;  
 3 (2) the books and records of the town become the property of the  
 4 county executive;  
 5 (3) the property owned by the town after payment of debts and  
 6 liabilities shall be disposed of by the county executive; and  
 7 (4) the county executive shall deposit any proceeds remaining  
 8 after payment of debts and liabilities into the county general fund.  
 9 (g) The dissolution of a town under this section does not affect the  
 10 validity of a contract to which the town is a party.

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

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

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

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

30 (2) continues until:

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

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

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

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

38 (2) continues until:

39 (A) noon January 1 following the next ~~municipal~~ election  
 40 ~~scheduled under IC 3-10-6-5 or IC 3-10-7-6; as~~

1                   **applicable to the municipality; and until**

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

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

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

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

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

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

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

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

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

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

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

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

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

35                   (2) The district must be reasonably compact.

36                   (3) The district must contain, as nearly as is possible, equal  
37 population.

38                   (4) The district may not cross a census block boundary except  
39 when following a precinct boundary line or unless the ordinance  
40 specifies that the census block has no population and is not likely

1 to have population before the effective date of the next federal  
2 decennial census.

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

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

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

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

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

15 (1) is contiguous to that territory; and

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

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

22 (f) This subsection does not apply to a town with an ordinance  
23 described by subsection (g). Except as provided in subsection (j), the  
24 division permitted by subsection (a) shall be made only at times  
25 permitted under IC 3-5-10.

26 (g) This subsection applies to a town having a population of less  
27 than three thousand five hundred (3,500). The town legislative body  
28 may adopt an ordinance providing that:

29 (1) town legislative body districts are abolished; and

30 (2) all members of the legislative body are elected at large.

31 (h) An ordinance described by subsection (g):

32 (1) may not be adopted or repealed during a year in which a  
33 ~~municipal~~ **an election for municipal office** is scheduled to be  
34 conducted in the town under **IC 3-10-5.5 or IC 3-10-6; or**  
35 ~~IC 3-10-7~~; and

36 (2) is effective upon passage.

37 (i) A copy of the ordinance establishing districts or a recertification  
38 under this section must be filed with the circuit court clerk of the  
39 county that contains the greatest population of the town not later than  
40 thirty (30) days after the ordinance or recertification is adopted. The

1 filing must include a map of the district boundaries:

2 (1) adopted under subsection (a); or

3 (2) recertified under subsection (j).

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

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

15 (l) This subsection applies to a town having a population of less than  
16 three thousand five hundred (3,500). If the town legislative body has  
17 not:

18 (1) adopted an ordinance under subsection (a) and subject to  
19 subsection (f) after December 31, 2011; or

20 (2) adopted an ordinance recertifying districts under subsection  
21 (j) after December 31, 2011;

22 the town legislative body districts are abolished, effective January 1,  
23 2018. A town described by this subsection may adopt an ordinance to  
24 establish town legislative body districts in accordance with subsection  
25 (a) and subject to subsection (f) after January 1, 2018.

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

27 SECTION 57. IC 36-5-2-4.2 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.2. (a) This  
29 section applies to the alteration of the number of members of a  
30 legislative body.

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

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

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

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

40 "Shall the number of town council members be increased (or

1 decreased, if applicable) from \_\_\_\_\_ (insert the current  
 2 number of members provided for) to \_\_\_\_\_ (insert the  
 3 number of members proposed in the resolution)?".

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

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

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

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

26 SECTION 58. IC 36-5-2-4.5 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) This  
 28 section applies to a town if both of the following apply:

29 (1) The town has a population of more than ten thousand  
 30 (10,000).

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

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

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

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

1 (c) An ordinance adopted under this section must provide for the  
2 following:

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

4 a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           **(A) Two (2) members elected under subdivision (1)(B) are**  
 2           **elected to a four (4) year term and two (2) members elected**  
 3           **under subdivision (1)(B) are elected to a two (2) year term.**  
 4           **(B) Two (2) members elected under subdivision (2)(B) are**  
 5           **elected to a four (4) year term and one (1) member elected**  
 6           **under subdivision (2)(B) is elected to a two (2) year term.**  
 7           **The ordinance must provide a random procedure to**  
 8           **determine which members serve four (4) year terms and**  
 9           **which members serve two (2) year terms.**

10           ~~(5)~~ **(6)** A member of the town council elected after the elections  
 11           described in ~~subdivision~~ **subdivisions (4) and (5)** serves a term  
 12           of four (4) years.

13           ~~(6)~~ **(7)** The term of office of a member begins at noon January 1  
 14           after the member's election.

15           (d) An ordinance adopted under this section may provide that before  
 16           the first election after adoption of the ordinance, members of the town  
 17           legislative body added to the legislative body by the ordinance may be  
 18           appointed to the legislative body by a vote of the current members of  
 19           the legislative body.

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

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

26           An ordinance adopted under this subsection must comply with this  
 27           chapter in establishing the districts and provide details to provide a  
 28           transition from electing two (2) members at large to electing all  
 29           members from districts.

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

33           SECTION 59. IC 36-5-6-3, AS AMENDED BY P.L.56-2022,  
 34           SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35           UPON PASSAGE]: Sec. 3. (a) The clerk-treasurer must reside within  
 36           the town as provided in Article 6, Section 6 of the Constitution of the  
 37           State of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer  
 38           ceases to be a resident of the town. An individual who resides in  
 39           territory that is annexed by the town before the election is considered  
 40           a resident of the town for purposes of this subsection, even if the

1 annexation took effect less than one (1) year before the election.

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

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

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

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

- 10 **(A) municipal election scheduled under IC 3-10-6-5, or**  
11 **~~IC 3-10-7-6; if IC 3-10-5.5 does not apply to the town; or~~**  
12 **(B) general election that will occur at least three (3) years**  
13 **after the clerk-treasurer's election, if IC 3-10-5.5 applies to**  
14 **the town;**

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

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

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

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

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

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

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

28 ~~(2) four (4) years for the successors of the clerk-treasurer~~  
29 ~~described in subdivision (1);~~

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

32 ~~(f) The term of office of a clerk-treasurer subject to an ordinance~~  
33 ~~described by IC 3-10-7-2.9 is:~~

34 ~~(1) the term of office provided by the ordinance; not to exceed~~  
35 ~~four (4) years; for the clerk-treasurer elected in the first election~~  
36 ~~cycle after adoption of the ordinance; and~~

37 ~~(2) four (4) years for the successors of the clerk-treasurer~~  
38 ~~described in subdivision (1).~~

39 SECTION 60. IC 36-5-6-4 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The

1 clerk-treasurer shall be elected under **IC 3-10-5.5** or IC 3-10-6 or  
2 ~~IC 3-10-7~~ by the voters of the whole town.

3 SECTION 61. [EFFECTIVE UPON PASSAGE] **(a) The legislative**  
4 **services agency and the code revision committee shall prepare**  
5 **legislation for introduction in the 2027 regular session of the**  
6 **general assembly to make appropriate changes in statutes as**  
7 **required by this act.**

8 **(b) This SECTION expires July 1, 2028.**

9 SECTION 62. **An emergency is declared for this act."**

10 Renumber all SECTIONS consecutively.  
(Reference is to HB 1055 as printed January 14, 2026.)