



COMMITTEE REPORT

MR. PRESIDENT:

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

- 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

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

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

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

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

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

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

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

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

1 ratio that the number of voters who cast a ballot in the municipality at
 2 the municipal election bears to the total number of voters who cast a
 3 ballot in all of the municipalities in the county that conducted a
 4 municipal election.

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

9 ~~(d) (c) This subsection~~

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

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

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

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

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

30 (2) Prepare all ballots.

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

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

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

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

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

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

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

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

41 **Sec. 2. (a) The legislative body (as defined in IC 36-1-2-9) of a**
42 **town that has a population of more than ten thousand (10,000) may**

1 adopt a resolution, by majority vote, not later than December 1,
2 2026, providing that the municipality elects to hold municipal
3 elections on odd-numbered years under IC 3-10-6.

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

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

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

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

13 this chapter applies to the municipality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (1) town that has a population of more than ten thousand
 12 (10,000) that has adopted a resolution under section 2(a) of
 13 this chapter; or

14 (2) city that has not adopted a resolution under section 2(b) of
 15 this chapter.

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

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

23 (1) town that has a population of more than ten thousand
 24 (10,000) that has adopted a resolution under section 2(a) of
 25 this chapter; or

26 (2) city that has not adopted a resolution under section 2(b) of
 27 this chapter.

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

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

32 (1) be elected at the municipal election held in each
 33 odd-numbered year before a presidential election year under
 34 IC 3-10-6;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 **SECTION 13. IC 3-10-6-1 IS AMENDED TO READ AS**

1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter
 2 applies to municipal and school district elections in the following
 3 municipalities:

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

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

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

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

12 Page 1, line 4, strike "applies" and insert "expires upon HEA
 13 1055-2026 becoming effective."

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

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

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

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

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

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

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

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

32 (A) one (1) year; or

33 (B) three (3) years;

34 as specified in the ordinance for each elected office of the
 35 municipality.

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

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

1 respective elections:

2 SECTION 17. IC 3-10-6.5-5 IS REPEALED [EFFECTIVE UPON
3 PASSAGE]. Sec. 5: If a municipality adopts an ordinance under section
4 3 of this chapter, the elected officers of the municipality shall be
5 elected under IC 3-10-6 or IC 3-10-7:

- 6 (1) whichever is applicable to the municipality; and
7 (2) to the extent either of those statutes is not inconsistent with
8 this chapter:

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

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

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

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

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

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

- 28 (A) in the same county; and
29 (B) in the same congressional district;
30 as the former precinct; and

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

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

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

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

41 (c) A voter who moved outside of a municipality may not return to
42 the precinct where the voter formerly resided to vote in a ~~municipal an~~

1 election **for municipal offices of that municipality.**

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

- 4 (1) ~~municipal~~ primary election **for municipal offices;**
5 (2) ~~municipal~~ **general election for municipal offices;** or
6 (3) special election held only within the municipality;

7 may not vote in the ~~municipal~~ primary election ~~municipal~~ **for**
8 **municipal offices, general election for municipal offices,** or special
9 election held only within the municipality in the precinct of the person's
10 former residence.

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

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

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

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

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

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

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

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

42 (b) The voters may vote in the precinct in which they have their

1 residence as if the precinct had been established to include them in a
 2 precinct wholly within the municipality. These votes shall be counted
 3 and included in the canvass of the votes cast in the ~~municipal~~ primary
 4 election or ~~municipal~~ **the general** election.

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

10 (b) Notwithstanding section 25 of this chapter, if the county does
 11 not issue a precinct establishment order that establishes precincts in
 12 compliance with section 4(4), 4(5), and 4(6) of this chapter by the
 13 January 31 following the last effective date described in section ~~25(2)~~
 14 **25(b)** of this chapter, the commission may issue an order establishing
 15 precincts as provided under subsection (c).

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

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

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

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

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

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

- 40 (1) the number of absentee ballot applications anticipated or
 41 previously received for the election;
- 42 (2) the expense to be incurred by providing absentee ballot voting

1 in the office during the entire period required under section 26 of
2 this chapter; and
3 (3) that voters would experience little or no inconvenience by
4 restricting absentee ballot voting in the office to the days and
5 hours specified in the resolution or amendment.

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

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

- 16 (1) located within the county; and
- 17 (2) having a population of less than three thousand five hundred
18 (3,500).

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

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

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

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

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

- 41 (1) obtain the certified statement of the votes cast for that office
42 or on that question that was prepared under IC 3-12-4-9 from the

- 1 circuit court clerk in each other county in which the election
 2 district is located;
- 3 (2) tabulate the total votes cast for that office or on that question
 4 as shown on the certified statement of each county in the election
 5 district; and
- 6 (3) issue a certificate of election to the candidate when permitted
 7 under section 16 of this chapter or a certificate declaring the local
 8 public question approved or rejected.

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

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

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

19 SECTION 29. IC 3-12-11-25, AS AMENDED BY P.L.186-2025,
 20 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 25. (a) Except as provided in subsection (b),
 22 whenever the commission makes a final determination under section
 23 18 of this chapter that the candidate who is subject to a contest
 24 proceeding is not eligible to serve in the office to which the candidate
 25 is nominated or elected, the candidate who received the second highest
 26 number of votes for the office is entitled to a certificate of nomination
 27 or certificate of election even though a certificate may have been issued
 28 to another candidate upon the tabulation of the votes.

29 (b) This subsection applies to a contest proceeding for a state office
 30 other than the offices of governor, lieutenant governor, justice of the
 31 supreme court, judge of the court of appeals, and judge of the tax court.
 32 Whenever the commission makes a final determination under section
 33 18(b) of this chapter that the candidate who is subject to a contest
 34 proceeding is not eligible to serve in the office to which the candidate
 35 is elected the following apply:

- 36 (1) This subdivision does not apply to the filling of a state office
 37 following a contest proceeding or court action that resulted from
 38 an election held before January 1, 2011. The office is considered
 39 vacant, and the governor shall fill the vacancy as provided in
 40 IC 3-13-4-3(e) by the appointment of a person of the same
 41 political party as the candidate who is not eligible to serve.
- 42 (2) The commission's determination that the candidate is not

1 eligible to serve in the office does not affect the votes cast for the
 2 candidate for purposes of determining the number or percentage
 3 of votes cast for purposes of other statutes, including
 4 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,
 5 IC 3-6-7-1, IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2,
 6 IC 3-10-2-15, IC 3-10-4-2, IC 3-10-6, ~~IC 3-10-7-26~~, IC 3-11-2-6,
 7 IC 3-11-13-11, IC 3-11-14-3.5, IC 3-13-9-4.5, IC 6-9-2-3, and
 8 IC 36-4-1.5-2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 32 (1) The office of judicial administration under IC 33-24-6.
 33 (2) The secretary of state.
 34 (3) The circuit court clerk of the county in which the greatest
 35 population of the city or town resides.

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

41 (b) Except as provided in ~~subsections~~ **subsection (c), (d), and (e)**;
 42 the term of office of a judge elected under this section is four (4) years,

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

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

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

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

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

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

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

15 ~~(2) the successors to the judge described in subdivision (1) is four~~
16 ~~(4) years;~~

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

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

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

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

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

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

32 (1) judge;

33 (2) clerk; and

34 (3) bailiff.

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

40 (b) The clerk is an officer of a town court. The judge of a town court
41 may act as clerk and perform all duties of the clerk of the court or
42 appoint a clerk of the court. If the judge does not act as a clerk of the

1 court or appoint a clerk of the court, the town clerk-treasurer elected
 2 under **IC 3-10-5.5** or IC 3-10-6 or ~~IC 3-10-7~~ shall perform the duties
 3 of the clerk of the town court.

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

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

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

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

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

20 (A) is a town; and

21 (B) has town boundaries that encompass part of another town
 22 that was part of the reorganization;

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

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

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

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

33 (b) At the next:

34 (1) general election, if:

35 (A) the reorganized political subdivision is not a municipality
 36 or a school corporation; or

37 (B) the reorganized political subdivision results from a
 38 reorganization including a county and at least one (1)
 39 municipality; or

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

42 (2) municipal election, if the reorganized political subdivision is

1 a municipality **to which IC 3-10-5.5 does not apply**; or

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

6 after the voters approve a reorganization, one (1) set of officers for the
7 reorganized political subdivision having the combined population of
8 the reorganizing political subdivisions shall be elected by the voters in
9 the territory of the reorganized political subdivision as prescribed by
10 statute.

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

12 (1) one (1) member of the legislative body of the reorganized
13 political subdivision shall be elected from each election district
14 established by the reorganizing political subdivisions in
15 substantially identical resolutions adopted by the legislative body
16 of each of the reorganizing political subdivisions; and

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

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

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

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

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

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

1 city-county council consists of twenty-five (25) members.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **or**

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

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

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

41 (b) If a resolution is adopted under section 2 of this chapter, the
42 town legislative body shall adopt an ordinance providing for the

1 transition from governance as a town to governance as a city. The
 2 ordinance adopted under this section must include the following
 3 details:

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

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

7 (A) The city executive.

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

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

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

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

21 (B) as otherwise provided in IC 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 **(1) general ~~municipal~~ election is to be held, if IC 3-10-5.5 applies**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) IC 3-10-6;

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

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

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

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

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

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

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

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

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

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

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

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

1 (g) is not required, the legislative body shall adopt an ordinance
2 recertifying that the districts as drawn comply with this section.

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

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

9 (2) recertified under subsection (j).

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

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

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

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

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

28 (2) are reasonably compact;

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

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

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

34 (1) more than one (1) member of the legislative body elected from
35 the districts established under subsection (b), (j), or (m) resides in
36 one (1) precinct established under IC 3-11-1.5 after the most
37 recent ~~municipal~~ election **for members of the city legislative**
38 **body;** and

39 (2) following the establishment of a legislative body district
40 whose boundary crosses a precinct boundary line, not more than
41 one (1) member of the legislative body elected from the districts
42 resides within the same city legislative body district.

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

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

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

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

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

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

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

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

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

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

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

34 (1) are composed of contiguous territory;

35 (2) are reasonably compact;

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

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

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

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

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

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

15 (A) are composed of contiguous territory;

16 (B) are reasonably compact;

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

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

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

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

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

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

34 (2) recertified under subsection (o).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (2) are reasonably compact;

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

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

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

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

1 body.

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

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

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

18 (2) recertified under subsection (o).

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

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

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

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

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

39 (1) either:

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

- 1 (B) divide the town into ~~not less than at least~~ three (3) ~~nor and~~
 2 **not** more than seven (7) districts; and
 3 (2) direct the county election board to conduct an election in the
 4 town on the date of the next general ~~or municipal~~ election to be
 5 held in any precincts in the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (e) Dissolution occurs:

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

21 and

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

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

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

26 (2) the books and records of the town become the property of the
 27 county executive;

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

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

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

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

39 SECTION 55. IC 36-5-2-3, AS AMENDED BY P.L.109-2015,
 40 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b),
 42 (c), (d), ~~or (e)~~, ~~(f)~~, ~~or (g)~~; the term of office of a member of the

1 legislative body is four (4) years, beginning at noon January 1 after the
 2 member's election and continuing until the member's successor is
 3 elected and qualified.

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

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

11 (2) continues until:

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

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

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

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

19 (2) continues until:

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

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

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

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

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

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

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

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

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

42 (1) ~~the term of office provided by the ordinance, not to exceed~~

1 four (4) years, for a member of the legislative body elected in the
 2 first election cycle after adoption of the ordinance; and
 3 (2) four (4) years for the successors of the member of a legislative
 4 body described in subdivision (1).

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

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

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

14 (2) The district must be reasonably compact.

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

17 (4) The district may not cross a census block boundary except
 18 when following a precinct boundary line or unless the ordinance
 19 specifies that the census block has no population and is not likely
 20 to have population before the effective date of the next federal
 21 decennial census.

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

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

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

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

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

41 (f) This subsection does not apply to a town with an ordinance
 42 described by subsection (g). Except as provided in subsection (j), the

1 division permitted by subsection (a) shall be made only at times
2 permitted under IC 3-5-10.

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

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

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

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

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

13 (2) is effective upon passage.

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

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

20 (2) recertified under subsection (j).

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

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

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

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

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

39 the town legislative body districts are abolished, effective January 1,
40 2018. A town described by this subsection may adopt an ordinance to
41 establish town legislative body districts in accordance with subsection
42 (a) and subject to subsection (f) after January 1, 2018.

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

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

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

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

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

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

15 "Shall the number of town council members be increased (or
16 decreased, if applicable) from _____ (insert the current
17 number of members provided for) to _____ (insert the
18 number of members proposed in the resolution)?"

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

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

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

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

41 SECTION 58. IC 36-5-2-4.5 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) This

1 section applies to a town if both of the following apply:

2 (1) The town has a population of more than ten thousand
3 (10,000).

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

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

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

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

14 (c) An ordinance adopted under this section must provide for the
15 following:

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

17 ~~a~~

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

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

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

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

25 ~~(A)~~ **(i)** during the year before the year described in
26 subdivision ~~(4)~~; **(1)(A)**; or

27 ~~(B)~~ **(ii)** during the year after the year described in
28 subdivision ~~(4)~~; **(1)(A)**; or

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

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

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

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

41 **(A) Two (2) members elected under subdivision ~~(4)~~(1)(A) are**
42 **elected to a four (4) year term and two (2) members elected**

- 1 under subdivision ~~(1)~~ **(1)(A)** are elected to a three (3) year
 2 term.
- 3 ~~(B)~~ **Two (2) members** elected under subdivision ~~(2)~~ **(2)(A)** are
 4 elected to a four (4) year term and one (1) member elected
 5 under subdivision ~~(2)~~ **(2)(A)** is elected to a three (3) year term.
 6 The ordinance must provide a random procedure to determine
 7 which members serve four (4) year terms and which members
 8 serve three (3) year terms.
- 9 **(5) If IC 3-10-5.5 applies to the town, at the first two (2)**
 10 **elections after the ordinance is adopted, members are elected**
 11 **to serve the following terms:**
- 12 **(A) Two (2) members elected under subdivision (1)(B) are**
 13 **elected to a four (4) year term and two (2) members elected**
 14 **under subdivision (1)(B) are elected to a two (2) year term.**
- 15 **(B) Two (2) members elected under subdivision (2)(B) are**
 16 **elected to a four (4) year term and one (1) member elected**
 17 **under subdivision (2)(B) is elected to a two (2) year term.**
- 18 **The ordinance must provide a random procedure to**
 19 **determine which members serve four (4) year terms and**
 20 **which members serve two (2) year terms.**
- 21 ~~(5)~~ **(6)** A member of the town council elected after the elections
 22 described in ~~subdivision~~ **subdivisions (4) and (5)** serves a term
 23 of four (4) years.
- 24 ~~(6)~~ **(7)** The term of office of a member begins at noon January 1
 25 after the member's election.
- 26 (d) An ordinance adopted under this section may provide that before
 27 the first election after adoption of the ordinance, members of the town
 28 legislative body added to the legislative body by the ordinance may be
 29 appointed to the legislative body by a vote of the current members of
 30 the legislative body.
- 31 (e) After the first two (2) elections held as described in subsection
 32 (c)(4) **and (c)(5)**, the town legislative body may adopt an ordinance to
 33 do the following:
- 34 (1) Divide the town into seven (7) districts.
- 35 (2) Provide that the members elected at large are each elected
 36 from a district.
- 37 An ordinance adopted under this subsection must comply with this
 38 chapter in establishing the districts and provide details to provide a
 39 transition from electing two (2) members at large to electing all
 40 members from districts.
- 41 (f) Subject to this section, members of the town legislative body are
 42 elected as provided in **IC 3-10-5.5 or IC 3-10-6-4.5, as applicable to**

1 **the town.**

2 SECTION 59. IC 36-5-6-3, AS AMENDED BY P.L.56-2022,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 3. (a) The clerk-treasurer must reside within
5 the town as provided in Article 6, Section 6 of the Constitution of the
6 State of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer
7 ceases to be a resident of the town. An individual who resides in
8 territory that is annexed by the town before the election is considered
9 a resident of the town for purposes of this subsection, even if the
10 annexation took effect less than one (1) year before the election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 ~~beginning noon January 1 after the clerk-treasurer's election and~~
40 ~~continuing until the clerk-treasurer's successor is elected and qualified:~~

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

1 (1) the term of office provided by the ordinance; not to exceed
 2 four (4) years; for the clerk-treasurer elected in the first election
 3 cycle after adoption of the ordinance; and
 4 (2) four (4) years for the successors of the clerk-treasurer
 5 described in subdivision (1):

6 SECTION 60. IC 36-5-6-4 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The
 8 clerk-treasurer shall be elected under **IC 3-10-5.5** or IC 3-10-6 or
 9 ~~IC 3-10-7~~ by the voters of the whole town.

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

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

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

17 Renumber all SECTIONS consecutively.

(Reference is to HB 1055 as printed January 14, 2026.)

and when so amended that said bill do pass .

Committee Vote: Yeas 6, Nays 3.

Senator Gaskill, Chairperson