
HOUSE BILL No. 1055

AM105507 has been incorporated into January 14, 2026 printing.

Synopsis: Option to conduct municipal election in even years.

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HB 1055—LS 6186/DI 144



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January 14, 2026

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

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HOUSE BILL No. 1055

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

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

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

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

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

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

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

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

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

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

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

40 (b) Except as provided in ~~subsections (c) and (d);~~ **subsection (c)**,
 41 whenever more than one (1) municipality in a county conducts a

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1 municipal election, the seventy-five percent (75%) of expenses that are
 2 not chargeable directly to any particular municipality under section 8
 3 of this chapter must be apportioned to each municipality in the same
 4 ratio that the number of voters who cast a ballot in the municipality at
 5 the municipal election bears to the total number of voters who cast a
 6 ballot in all of the municipalities in the county that conducted a
 7 municipal election.

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

12 ~~(d) (c) This subsection~~

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

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

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

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

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

34 (2) Prepare all ballots.

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

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

41 SECTION 7. IC 3-6-5-15, AS AMENDED BY P.L.74-2017,

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

6 (b) This section does not apply to an election
7 ~~(1) conducted at the same time as a primary or general election~~
8 ~~during an even-numbered year. or~~
9 ~~(2) conducted in a town by a town election board under~~
10 ~~IC 3-10-7.~~

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

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

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

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

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

40 SECTION 10. IC 3-8-5-14.5, AS AMENDED BY P.L.278-2019,
41 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 14.5. (a) A town election board or circuit
 2 court clerk conducting a municipal election under ~~IC 3-10-7~~
 3 **IC 3-10-5.5 or IC 3-10-6** may not include the name of a candidate
 4 nominated by a town convention on the municipal election ballot if the
 5 person files a notice to withdraw with the clerk. The circuit court clerk
 6 shall notify the town election board of any candidate withdrawal filed
 7 under this subsection not later than the deadline for the clerk to file a
 8 copy of the certification of nomination under section 13(e) of this
 9 chapter.

10 (b) The notice to withdraw must:

- 11 (1) be signed and acknowledged before an officer authorized to
 12 take acknowledgments of deeds;
 13 (2) have the certificate of acknowledgment appended to the
 14 notice; and
 15 (3) be filed with the clerk no later than noon three (3) days
 16 following the adjournment of the convention.

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

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

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

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

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

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

- 39 **(1) town that has a population of not more than ten thousand**
 40 **(10,000);**
 41 **(2) town that has a population of more than ten thousand**
 42 **(10,000) that has not adopted a resolution under section 2 of**

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- 1 **this chapter; and**
 2 **(3) city that has adopted a resolution under section 2 of this**
 3 **chapter.**
 4 **(b) This chapter does not apply to the town of Vernon**
 5 **(incorporated under Local Acts 1851, c.1, as amended).**
 6 **Sec. 2. (a) The legislative body (as defined in IC 36-1-2-9) of a**
 7 **town that has a population of more than ten thousand (10,000) may**
 8 **adopt a resolution, by majority vote, not later than December 1,**
 9 **2026, providing that the municipality elects to hold municipal**
 10 **elections on odd-numbered years under IC 3-10-6.**
 11 **(b) The legislative body (as defined in IC 36-1-2-9) of a city**
 12 **may adopt a resolution, by majority vote, not later than December**
 13 **1, 2026, providing that the municipality elects to hold municipal**
 14 **elections during the general election in each presidential year.**
 15 **(c) Except as provided in section 6(a), 6(b), and 6(c) of this**
 16 **chapter, if a legislative body:**
 17 **(1) of a town that has a population of more than ten thousand**
 18 **(10,000) does not adopt a resolution under subsection (a); or**
 19 **(2) of a city does adopt a resolution under subsection (b);**
 20 **this chapter applies to the municipality.**
 21 **(d) A copy of a resolution adopted under subsection (a) or (b)**
 22 **shall be filed with the secretary of state.**
 23 **Sec. 3. (a) An individual elected to a municipal office at the**
 24 **2023 municipal election is entitled to hold over after the expiration**
 25 **of the individual's term until a successor has been elected and**
 26 **qualified under subsection (b).**
 27 **(b) The successor of an individual elected to a municipal office**
 28 **at the 2023 municipal election shall:**
 29 **(1) be elected at the 2028 general election; and**
 30 **(2) take office at noon on January 1, 2029.**
 31 **(c) The successors of an individual elected to a municipal office**
 32 **under subsection (b) shall:**
 33 **(1) be elected at the general election held in each presidential**
 34 **election year;**
 35 **(2) take office the following January 1 at noon; and**
 36 **(3) serve a term of four (4) years.**
 37 **Sec. 4. (a) An individual elected as a judge of a city or town**
 38 **court at the 2023 municipal election is entitled to hold over after**
 39 **the expiration of the individual's term until a successor has been**
 40 **elected and qualified under subsection (b).**
 41 **(b) The successor of an individual elected as a judge of a city**
 42 **or town court at the 2023 municipal election shall:**

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- 1 (1) be elected at the 2028 general election; and
- 2 (2) take office at noon on January 1, 2029.
- 3 (c) The successors of an individual elected as a judge of a city
- 4 or town court under subsection (b) shall:
- 5 (1) be elected at the general election held in each presidential
- 6 election year;
- 7 (2) take office the following January 1 at noon; and
- 8 (3) serve a term of four (4) years.
- 9 Sec. 5. Except as provided in section 6 of this chapter, the
- 10 successors of an individual elected to a municipal office at the 2022
- 11 general election shall:
- 12 (1) be elected at the general election held in each
- 13 nonpresidential election year;
- 14 (2) take office the following January 1 at noon; and
- 15 (3) serve a term of four (4) years.
- 16 Sec. 6. (a) This subsection applies to an individual elected to a
- 17 municipal office at the 2022 general election in a:
- 18 (1) town that has a population of more than ten thousand
- 19 (10,000) that has adopted a resolution under section 2(a) of
- 20 this chapter; or
- 21 (2) city that has not adopted a resolution under section 2(b)
- 22 of this chapter.
- 23 An individual described in this subsection is entitled to hold over
- 24 after the expiration of the individual's term until a successor has
- 25 been elected. The successor of an individual described in this
- 26 subsection shall be elected under IC 3-10-6 at the 2027 municipal
- 27 election.
- 28 (b) This subsection applies to an individual elected to a
- 29 municipal office at the 2023 municipal election in a:
- 30 (1) town that has a population of more than ten thousand
- 31 (10,000) that has adopted a resolution under section 2(a) of
- 32 this chapter; or
- 33 (2) city that has not adopted a resolution under section 2(b)
- 34 of this chapter.
- 35 The successor of an individual described in this subsection shall be
- 36 elected under IC 3-10-6 at the 2027 municipal election.
- 37 (c) Except as otherwise provided by law, the successors of an
- 38 individual elected under subsection (a) or (b) shall:
- 39 (1) be elected at the municipal election held in each
- 40 odd-numbered year before a presidential election year under
- 41 IC 3-10-6;
- 42 (2) take office the following January 1; and

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

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

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

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

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

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

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

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

16 (1) not qualified to conduct a primary election under this
17 article; and

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

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

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

26 (1) A presidential election year, for municipal offices whose
27 terms expire at the end of the presidential election year.

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

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

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

42 (2) supply the precincts established with poll lists and

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

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

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

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

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

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

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

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

25 (1) A town:

26 (2) A city with a population of less than three thousand five
 27 hundred (3,500):

28 (b) This chapter does not apply to a municipality located wholly
 29 or partially in a county having a consolidated city:

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

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

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

41 (1) The term of office for each individual elected to an office of
 42 the municipality at the next municipal election year. A term of

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1 office set under this subdivision must be either:
 2 (A) one (1) year; or
 3 (B) three (3) years;
 4 as specified in the ordinance for each elected office of the
 5 municipality.
 6 (2) That the successors of the individuals elected during the next
 7 municipal election year shall be elected in the following
 8 applicable even-numbered year as determined by the term of
 9 office set for each office in the ordinance under subdivision (1).
 10 (3) That the term of office of the successors of the individuals
 11 elected for the initial term of office set for each office under
 12 subdivision (1) is four (4) years, beginning January 1 after their
 13 respective elections.
 14 SECTION 18. IC 3-10-6.5-5 IS REPEALED [EFFECTIVE UPON
 15 PASSAGE]. Sec. 5: If a municipality adopts an ordinance under section
 16 3 of this chapter, the elected officers of the municipality shall be
 17 elected under IC 3-10-6 or IC 3-10-7:
 18 (1) whichever is applicable to the municipality; and
 19 (2) to the extent either of those statutes is not inconsistent with
 20 this chapter.
 21 SECTION 19. IC 3-10-6.5-6 IS REPEALED [EFFECTIVE UPON
 22 PASSAGE]. Sec. 6: An ordinance adopted under this chapter:
 23 (1) may not be repealed earlier than twelve (12) years after the
 24 ordinance was adopted under section 3 of this chapter; and
 25 (2) may be repealed only in a year preceding a municipal
 26 election year.
 27 SECTION 20. IC 3-10-6.5-7 IS REPEALED [EFFECTIVE UPON
 28 PASSAGE]. Sec. 7: An ordinance adopted under section 3 or 6 of this
 29 chapter takes effect when the ordinance is filed with the circuit court
 30 clerk of the county in which the largest percentage of the population of
 31 the municipality is located.
 32 SECTION 21. IC 3-10-7 IS REPEALED [EFFECTIVE UPON
 33 PASSAGE]. (Municipal Elections in Small Towns Located Outside
 34 Marion County).
 35 SECTION 22. IC 3-10-12-3.4, AS AMENDED BY P.L.74-2017,
 36 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 3.4. (a) This section applies to a voter who:
 38 (1) changes residence from a precinct in a county to another
 39 precinct:
 40 (A) in the same county; and
 41 (B) in the same congressional district;

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1 as the former precinct; and
 2 (2) does not notify the county voter registration office of the
 3 change of address before election day.
 4 (b) A voter described by subsection (a) may:
 5 (1) correct the voter registration record; and
 6 (2) vote in the precinct where the voter formerly resided;
 7 if the voter makes an oral affirmation as described in subsection (e) or
 8 uses the affidavit prescribed by the election division under
 9 IC 3-10-11-6 to make a written affirmation **of the voter's current**
 10 **residence address** as described in section 4 of this chapter. ~~of the~~
 11 ~~voter's current residence address.~~
 12 (c) A voter who moved outside of a municipality may not return
 13 to the precinct where the voter formerly resided to vote in a ~~municipal~~
 14 **an election for municipal offices of that municipality.**
 15 (d) A voter who moved from a location outside a municipality to
 16 a location within a municipality before a:
 17 (1) ~~municipal~~ primary election **for municipal offices;**
 18 (2) ~~municipal~~ **general election for municipal offices;** or
 19 (3) special election held only within the municipality;
 20 may not vote in the ~~municipal~~ primary election ~~municipal~~ **for**
 21 **municipal offices, general election for municipal offices,** or special
 22 election held only within the municipality in the precinct of the person's
 23 former residence.
 24 (e) A voter entitled to make a written affirmation under subsection
 25 (b) may make an oral affirmation. The voter must make the oral
 26 affirmation before the poll clerks of the precinct. After the voter makes
 27 an oral affirmation under this subsection, the poll clerks shall:
 28 (1) reduce the substance of the affirmation to writing at an
 29 appropriate location on the poll list; and
 30 (2) initial the affirmation.
 31 SECTION 23. IC 3-11-1.5-25 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. **(a) In a year**
 33 **in which a general election is held,** a precinct establishment order
 34 may not become effective during ~~the following periods:~~
 35 ~~(1) In a year in which a general election is held,~~ the period
 36 beginning on the first day that a declaration of candidacy may be
 37 filed under IC 3-8-2-4 and ending the day following general
 38 election day.
 39 ~~(2)~~ **(b) This subsection applies to a municipal election that is**
 40 **held in a municipality to which IC 3-10-5.5 does not apply.** For
 41 precincts located wholly or partially within a municipality, a precinct

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1 **establishment order may not become effective** after January 31 and
 2 before the day following municipal election day, in a year in which a
 3 municipal election is held.

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

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

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

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

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

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

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

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

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

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

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

40 (2) a primary conducted in a municipal election year **in a**
 41 **municipality to which IC 3-10-5.5 does not apply;** and

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- 1 (3) a special election conducted under IC 3-10-8 and that is not
- 2 conducted at the same time as any other election.
- 3 (b) Notwithstanding section 26 of this chapter or IC 3-11-18.1-4
- 4 in a vote center county, a county election board (~~or a town election~~
- 5 ~~board acting under IC 3-10-7~~) may adopt a resolution or an amendment
- 6 to a county vote center plan by the unanimous vote of the board's entire
- 7 membership stating that voters are entitled to vote by absentee ballot
- 8 before an absentee voter board in the office of the circuit court clerk or
- 9 town election board during specific days and hours identified in the
- 10 resolution.
- 11 (c) If the election board adopts a resolution or an amendment
- 12 under subsection (b), the board must include written findings of fact in
- 13 the resolution or amendment stating:
- 14 (1) the number of absentee ballot applications anticipated or
- 15 previously received for the election;
- 16 (2) the expense to be incurred by providing absentee ballot
- 17 voting in the office during the entire period required under
- 18 section 26 of this chapter; and
- 19 (3) that voters would experience little or no inconvenience by
- 20 restricting absentee ballot voting in the office to the days and
- 21 hours specified in the resolution or amendment.
- 22 SECTION 27. IC 3-11-18.1-5, AS AMENDED BY P.L.141-2023,
- 23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsections (b),
- 25 ~~and (c)~~; a plan must provide a vote center for use by voters residing
- 26 within the county for use in a primary election, general election, special
- 27 election, municipal primary, or municipal election conducted on or
- 28 after the effective date of the county election board's order.
- 29 (b) A plan may provide that a vote center will not be used in a
- 30 municipal election conducted in 2023, 2027, 2031, 2035, 2039, 2043,
- 31 and every four (4) years thereafter for some or all of the towns:
- 32 (1) located within the county; and
- 33 (2) having a population of less than three thousand five hundred
- 34 (3,500).
- 35 (c) ~~This section does not apply in a town that has established a~~
- 36 ~~town election board under IC 3-10-7-5.7 while the resolution~~
- 37 ~~established under IC 3-10-7-5.7 is in effect.~~
- 38 SECTION 28. IC 3-12-5-2 IS AMENDED TO READ AS
- 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Whenever a
- 40 candidate is elected:
- 41 (1) to a local or school board office other than

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1 (A) one for which a town clerk-treasurer issues a certificate
 2 of election under IC 3-10-7-34; or
 3 (B) one commissioned by the governor under IC 4-3-1-5; or
 4 (2) a precinct committeeman or state convention delegate;
 5 the circuit court clerk shall, when permitted under section 16 of this
 6 chapter, prepare and deliver to the candidate on demand a certificate
 7 of the candidate's election.

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

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

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

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

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

37 SECTION 30. IC 3-12-11-25, AS AMENDED BY P.L.186-2025,
 38 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 25. (a) Except as provided in subsection (b),
 40 whenever the commission makes a final determination under section
 41 18 of this chapter that the candidate who is subject to a contest

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1 proceeding is not eligible to serve in the office to which the candidate
 2 is nominated or elected, the candidate who received the second highest
 3 number of votes for the office is entitled to a certificate of nomination
 4 or certificate of election even though a certificate may have been issued
 5 to another candidate upon the tabulation of the votes.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 41 (1) IC 3-10-6, ~~or IC 3-10-7;~~ at the municipal election in

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1 November 2023, 2027, 2031, 2035, 2039, 2043, and every four
2 (4) years thereafter.

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

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

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

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

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

12 (2) The secretary of state.

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

15 SECTION 34. IC 33-35-1-3, AS AMENDED BY P.L.109-2015,
16 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 3. (a) The judge of a city or town court shall
18 be elected under **IC 3-10-5.5** or IC 3-10-6 or ~~IC 3-10-7~~ by the voters
19 of the city or town.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 (A) is a town; and
- 2 (B) has town boundaries that encompass part of another
- 3 town that was part of the reorganization;
- 4 (2) that is conducted before the reorganization takes effect; and
- 5 (3) to which ~~IC 3-10-7-1~~ **IC 3-10-5.5** applies.
- 6 (b) The members of each precinct board shall be jointly appointed
- 7 by the town election boards of each of the reorganizing political
- 8 subdivisions.
- 9 SECTION 39. IC 36-1.5-4-36, AS AMENDED BY P.L.113-2010,
- 10 SECTION 112, IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) This section applies if
- 12 section 5 of this chapter requires an election for a reorganization to
- 13 become effective.
- 14 (b) At the next:
- 15 (1) general election, if:
- 16 (A) the reorganized political subdivision is not a
- 17 municipality or a school corporation; ~~or~~
- 18 (B) the reorganized political subdivision results from a
- 19 reorganization including a county and at least one (1)
- 20 municipality; **or**
- 21 **(C) the reorganized political subdivision is a**
- 22 **municipality to which IC 3-10-5.5 applies;**
- 23 (2) municipal election, if the reorganized political subdivision is
- 24 a municipality **to which IC 3-10-5.5 does not apply;** or
- 25 (3) primary or general election, as specified in an election plan
- 26 adopted in substantially identical resolutions by the legislative
- 27 body of each of the participating political subdivisions if the
- 28 reorganized political subdivision is a school corporation;
- 29 after the voters approve a reorganization, one (1) set of officers for the
- 30 reorganized political subdivision having the combined population of
- 31 the reorganizing political subdivisions shall be elected by the voters in
- 32 the territory of the reorganized political subdivision as prescribed by
- 33 statute.
- 34 (c) In the election described in subsection (b):
- 35 (1) one (1) member of the legislative body of the reorganized
- 36 political subdivision shall be elected from each election district
- 37 established by the reorganizing political subdivisions in
- 38 substantially identical resolutions adopted by the legislative body
- 39 of each of the reorganizing political subdivisions; and
- 40 (2) the total number of at large members shall be elected as
- 41 prescribed by statute for the reorganized political subdivision.

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

9 SECTION 40. IC 36-3-3-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A mayor,
 11 who is the executive of both the consolidated city and the county, shall
 12 be elected under **IC 3-10-5.5 or IC 3-10-6, whichever is applicable to**
 13 **the consolidated city**, by the voters of the whole county.

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

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

19 SECTION 41. IC 36-3-4-2, AS AMENDED BY P.L.193-2021,
 20 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A city-county council,
 22 which is the legislative body of both the consolidated city and the
 23 county, shall be elected under **IC 3-10-5.5 or IC 3-10-6, whichever is**
 24 **applicable to the consolidated city**, by the voters of the county. The
 25 city-county council consists of twenty-five (25) members.

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

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

- 29 (1) the county as provided in Article 6, Section 6 of the
- 30 Constitution of the State of Indiana; and
- 31 (2) the district from which the member was elected.

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

- 33 (1) dies, resigns, or is removed from office;
- 34 (2) ceases to be a resident of the district from which the member
- 35 was elected; or
- 36 (3) is incapacitated to the extent that the member is unable to
- 37 perform the member's duties for more than six (6) months.

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

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

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

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

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

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

18 SECTION 43. IC 36-4-1.5-3, AS AMENDED BY P.L.202-2013,
 19 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 3. (a) A town legislative body may satisfy the
 21 requirements of this section in an ordinance adopted either before or
 22 after the town's voters vote on the question described in section 2 of
 23 this chapter.

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

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

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

32 (A) The city executive.

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

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

36 (3) The date of the first election of the city officers. The first
 37 election may be held only on the date of the next ~~general election~~
 38 ~~or municipal election whichever is earlier, at which officers are~~
 39 **elected in the municipality under IC 3-10-5.5 or IC 3-10-6,**
 40 following the date fixed for an election under section 2 of this
 41 chapter on the question of whether the town should be changed

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- 1 into a city. Candidates for election to the city offices shall be
 2 nominated:
- 3 (A) at the corresponding primary election during a general
 4 election year or a municipal election year; or
 5 (B) as otherwise provided in IC 3.
- 6 (4) Subject to section 4 of this chapter, the term of office of each
 7 city officer elected at the first election of city officers.
 8 (5) Any other details the town legislative body considers useful
 9 in providing for the transition of the town into a city.
- 10 (c) An ordinance adopted under this section is effective only if the
 11 voters of the town approve the conversion of the town into a city under
 12 section 2(6) of this chapter.
- 13 (d) The provisions of an ordinance adopted under this section are
 14 subject to all other laws governing the structure of city government.
- 15 (e) Subject to this chapter, the town legislative body or the city
 16 legislative body (after the town is changed into a city) may amend an
 17 ordinance adopted under this section.
- 18 SECTION 44. IC 36-4-1.5-4, AS ADDED BY P.L.111-2005,
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 4. (a) Notwithstanding any other law, the term
 21 of office of the city officers elected at the first election of city officers
 22 held under the ordinance adopted under section 3 of this chapter:
- 23 (1) begins on January 1 after the first election of city officers;
 24 and
 25 (2) may not extend after December 31 of the next:
- 26 (A) municipal election year that occurs after the first
 27 election of city officers, **if IC 3-10-5.5 does not apply to**
 28 **the city; or**
 29 (B) **general election year that occurs after the first**
 30 **election of city officers, if IC 3-10-5.5 applies to the city.**
- 31 (b) The ordinance adopted under section 3 of this chapter may
 32 provide for a shorter term of office for specified members of the city
 33 legislative body to stagger terms as permitted under IC 3 and IC 36-4-6.
 34 **However, if IC 3-10-5.5 does not apply to the city, the ordinance**
 35 **may provide for a shorter term of office under this subsection only**
 36 **if a general election will occur in an even-numbered year before the**
 37 **next municipal election occurring in the odd-numbered year before**
 38 **a presidential election year, after the first election of city officers.**
- 39 (c) After ~~the first municipal election~~ after the first election of city
 40 officers, the term of office of each city officer is four (4) years.
- 41 SECTION 45. IC 36-4-2-8 IS AMENDED TO READ AS

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

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

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

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

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

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

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

23 SECTION 47. IC 36-4-2-12 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The
 25 legislative bodies of municipalities that vote to merge under this
 26 chapter shall meet in joint session at the hall of the municipality having
 27 the largest population at 8 p.m. on the second Monday of January of the
 28 next year in which a:

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

31 **(2) municipal election is to be held 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.**

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

35 (1) elect a presiding officer and clerk; and

36 (2) fix, by joint resolution, the boundaries of the districts from
 37 which members will be elected to the legislative body of the new
 38 municipality.

39 The legislative bodies shall fix the district boundaries so that, as nearly
 40 as is possible, all parts of the merging municipalities have equal
 41 representation in the legislative body of the new municipality. The
 42 district boundaries fixed under this subsection constitute the district

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1 boundaries for the new municipality until they are altered by the
2 legislative body of the new municipality.

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

6 (1) is contiguous to that territory; and

7 (2) contains the least population of all districts contiguous to that
8 territory.

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

12 (1) is one (1) of the districts in which the territory is described in
13 the joint resolution adopted under subsection ~~(a)~~; (b);

14 (2) is contiguous to that territory; and

15 (3) contains the least population of all districts contiguous to that
16 territory.

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

19 (1) certified by the presiding officer;

20 (2) attested by the clerk; and

21 (3) filed with the legislative body of each of the merging
22 municipalities and the circuit court clerk of each county in which
23 the municipalities are located.

24 SECTION 48. IC 36-4-5-2 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A mayor,
26 who is the city executive, shall be elected under:

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

28 (2) IC 3-10-6;

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

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

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

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

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

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1 successor is elected and qualified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (2) are reasonably compact;

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

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

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

38 (1) more than one (1) member of the legislative body elected
39 from the districts established under subsection (b) resides in one

40 (1) precinct established under IC 3-11-1.5 after the most recent
41 ~~municipal~~ **municipal election for members of the city legislative body;**

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1 and

2 (2) following the establishment of a legislative body district

3 whose boundary crosses a precinct boundary line, not more than

4 one (1) member of the legislative body elected from districts

5 resides within the same city legislative body district.

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

7 precinct line if the districts would not otherwise contain, as nearly as

8 is possible, equal population.

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

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

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

12 (2) unless the city legislative body certifies in the ordinance that

13 the census block has no population, and is not likely to ever have

14 population.

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

16 city into districts with boundaries described by subsection (c) or (d)

17 unless the clerk of the city mails a written notice to the circuit court

18 clerk. The notice must:

19 (1) state that the legislative body is considering the adoption of

20 an ordinance described by this subsection; and

21 (2) be mailed not later than ten (10) days before the legislative

22 body adopts the ordinance.

23 (g) Except as provided in subsection (j), the division under

24 subsection (b) shall be made only at times permitted under IC 3-5-10.

25 (h) The legislative body is composed of six (6) members elected

26 from the districts established under subsection (b) and three (3) at-large

27 members.

28 (i) Each voter of the city may vote for three (3) candidates for

29 at-large membership and one (1) candidate from the district in which

30 the voter resides. The three (3) at-large candidates receiving the most

31 votes from the whole city and the district candidates receiving the most

32 votes from their respective districts are elected to the legislative body.

33 (j) If the legislative body determines that a division under

34 subsection (g) is not required, the legislative body shall adopt an

35 ordinance recertifying that the districts as drawn comply with this

36 section.

37 (k) A copy of the ordinance establishing districts or a

38 recertification adopted under this section must be filed with the circuit

39 court clerk of the county that contains the greatest population of the

40 city not later than thirty (30) days after the ordinance or recertification

41 is adopted. The filing must include a map of the district boundaries:

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- 1 (1) adopted under subsection (b); or
- 2 (2) recertified under subsection (j).
- 3 (l) The limitations set forth in this section are part of the
- 4 ordinance, but do not have to be specifically set forth in the ordinance.
- 5 The ordinance must be construed, if possible, to comply with this
- 6 chapter. If a provision of the ordinance or an application of the
- 7 ordinance violates this chapter, the invalidity does not affect the other
- 8 provisions or applications of the ordinance that can be given effect
- 9 without the invalid provision or application. The provisions of the
- 10 ordinance are severable.
- 11 (m) IC 3-5-10 applies to a plan established under this section.
- 12 SECTION 51. IC 36-4-6-4, AS AMENDED BY P.L.169-2022,
- 13 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities,
- 15 except as provided by section 5 of this chapter.
- 16 (b) This subsection does not apply to a city with an ordinance
- 17 described by subsection (j) or (m). The legislative body shall adopt an
- 18 ordinance to divide the city into five (5) districts that:
- 19 (1) are composed of contiguous territory, except for territory that
- 20 is not contiguous to any other part of the city;
- 21 (2) are reasonably compact;
- 22 (3) do not cross precinct boundary lines except as provided in
- 23 subsection (c) or (d); and
- 24 (4) contain, as nearly as is possible, equal population.
- 25 (c) The boundary of a city legislative body district may cross a
- 26 precinct boundary line if:
- 27 (1) more than one (1) member of the legislative body elected
- 28 from the districts established under subsection (b), (j), or (m)
- 29 resides in one (1) precinct established under IC 3-11-1.5 after the
- 30 most recent ~~municipal~~ election **for members of the city**
- 31 **legislative body;** and
- 32 (2) following the establishment of a legislative body district
- 33 whose boundary crosses a precinct boundary line, not more than
- 34 one (1) member of the legislative body elected from the districts
- 35 resides within the same city legislative body district.
- 36 (d) The boundary of a city legislative body district may cross a
- 37 precinct line if the districts would not otherwise contain, as nearly as
- 38 is possible, equal population.
- 39 (e) A city legislative body district with a boundary described by
- 40 subsection (c) or (d) may not cross a census block boundary line:
- 41 (1) except when following a precinct boundary line; or

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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
 5 city into districts with boundaries described by subsection (c) or (d)
 6 unless the clerk of the city mails a written notice to the circuit court
 7 clerk. The notice must:
 8 (1) state that the legislative body is considering the adoption of
 9 an 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), (j), or (m) 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) or (m). The legislative body is composed of
 17 five (5) members elected from the districts established under
 18 subsection (b) and two (2) at-large members.
 19 (i) This subsection does not apply to a city with an ordinance
 20 described by subsection (j) or (m). Each voter of the city may vote for
 21 two (2) candidates for at-large membership and one (1) candidate from
 22 the district in which the voter resides. The two (2) at-large candidates
 23 receiving the most votes from the whole city and the district candidates
 24 receiving the most votes from their respective districts are elected to
 25 the legislative body.
 26 (j) A city may adopt an ordinance under this subsection to divide
 27 the city into four (4) districts that:
 28 (1) are composed of contiguous territory;
 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
 34 by subsection (j). The legislative body is composed of four (4)
 35 members elected from the districts established under subsection (j) and
 36 three (3) 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 three (3) candidates
 39 for at-large membership and one (1) candidate from the district in
 40 which the voter resides. The three (3) at-large candidates receiving the
 41 most votes from the whole city and the district candidates receiving the

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

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

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

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

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

- 29 (1) adopted under subsection (b), (j), or (m); or
30 (2) recertified under subsection (o).
- 31 (o) If the legislative body determines that a division under
32 subsection (g) is not required, the legislative body shall adopt an
33 ordinance recertifying that the districts as drawn comply with this
34 section.

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

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1 ordinance are severable.

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

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

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

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

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

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

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

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

- 40 (1) except when following a precinct boundary line; or
41 (2) unless the city legislative body certifies in the ordinance that

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1 the census block has no population, and is not likely to ever have
 2 population.
 3 (f) The legislative body may not adopt an ordinance dividing the
 4 city into districts with boundaries described by subsection (c) or (d)
 5 unless the clerk of the city mails a written notice to the circuit court
 6 clerk. The notice must:
 7 (1) state that the legislative body is considering the adoption of
 8 an ordinance described by this subsection; and
 9 (2) be mailed not later than ten (10) days before the legislative
 10 body adopts the ordinance.
 11 (g) Except as provided in subsection (o), the division under
 12 subsection (b) or (j) shall be made only at times permitted under
 13 IC 3-5-10.
 14 (h) This subsection does not apply to a city with an ordinance
 15 described by subsection (j). The legislative body is composed of four
 16 (4) members elected from the districts established under subsection (b)
 17 and one (1) at-large member.
 18 (i) This subsection does not apply to a city with an ordinance
 19 described by subsection (j). Each voter may vote for one (1) candidate
 20 for at-large membership and one (1) candidate from the district in
 21 which the voter resides. The at-large candidate receiving the most votes
 22 from the whole city and the district candidates receiving the most votes
 23 from their respective districts are elected to the legislative body.
 24 (j) A city may adopt an ordinance under this subsection to divide
 25 the city into three (3) 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 (k) This subsection applies to a city with an ordinance described
 33 by subsection (j). The legislative body is composed of three (3)
 34 members elected from the districts established under subsection (j) and
 35 two (2) at-large members.
 36 (l) This subsection applies to a city with an ordinance described by
 37 subsection (j). Each voter of the city may vote for two (2) candidates
 38 for at-large membership and one (1) candidate from the district in
 39 which the voter resides. The two (2) at-large candidates receiving the
 40 most votes from the whole city and the district candidates receiving the
 41 most votes from their respective districts are elected to the legislative

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1 body.

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

12 (n) A copy of the ordinance establishing districts or a
13 recertification under this section must be filed with the circuit court
14 clerk of the county that contains the greatest population of the city not
15 later than thirty (30) days after the ordinance or recertification is
16 adopted. The 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
24 ordinance, but do not have to be specifically set forth in the ordinance.
25 The ordinance must be construed, if possible, to comply with this
26 chapter. If a provision of the ordinance or an application of the
27 ordinance violates this chapter, the invalidity does not affect the other
28 provisions or applications of the ordinance that can be given effect
29 without the invalid provision or application. The provisions of the
30 ordinance are severable.

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

32 SECTION 53. 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
41 are to be elected at large (if the town would have a

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- 1 population of less than three thousand five hundred (3,500);
 2 or
 3 (B) divide the town into ~~not less than at least~~ three (3) ~~nor~~
 4 **and not** more than seven (7) districts; and
 5 (2) direct the county election board to conduct an election in the
 6 town on the date of the next general ~~or municipal~~ election to be
 7 held in any precincts in the county.

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

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

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

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

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

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

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

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

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

39 SECTION 54. IC 36-5-1.1-10.6, AS AMENDED BY
 40 P.L.104-2022, SECTION 169, IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.6. (a) This

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- 1 section applies to included towns.
- 2 (b) The dissolution of a town under this section may be instituted
- 3 by filing a petition with the county board of registration. The petition
- 4 must be signed by at least the number of the registered voters of the
- 5 town required to place a candidate on the ballot under IC 3-8-6-3. The
- 6 petition must be filed not later than June 1 of a year in which a general
- 7 ~~or municipal~~ election will be held.
- 8 (c) If a petition meets the criteria set forth in subsection (b), the
- 9 county board of registration shall certify the public question to the
- 10 county election board under IC 3-10-9-3. The county election board
- 11 shall place the question of dissolution on the ballot provided for voters
- 12 in the included town at the first general ~~or municipal~~ election following
- 13 certification. The question shall be placed on the ballot in the form
- 14 prescribed by IC 3-10-9-4 and must state "Shall the town of _____
- 15 dissolve?".
- 16 (d) If the public question is approved by a majority of the voters
- 17 voting on the question, the county election board shall file a copy of the
- 18 certification prepared under IC 3-12-4-9 concerning the public question
- 19 described by this section with the following:
- 20 (1) The circuit court clerk of the county.
- 21 (2) The office of the secretary of state.
- 22 (e) Dissolution occurs:
- 23 (1) at least sixty (60) days after certification under IC 3-12-4-9;
- 24 and
- 25 (2) when the certification is filed under subsection (d).
- 26 (f) When a town is dissolved under this section:
- 27 (1) the territory included within the town when the ordinance
- 28 was adopted becomes a part of the consolidated city;
- 29 (2) the books and records of the town become the property of the
- 30 county executive;
- 31 (3) the property owned by the town after payment of debts and
- 32 liabilities shall be disposed of by the county executive; and
- 33 (4) the county executive shall deposit any proceeds remaining
- 34 after payment of debts and liabilities into the county general
- 35 fund.
- 36 (g) The dissolution of a town under this section does not affect the
- 37 validity of a contract to which the town is a party.
- 38 SECTION 55. IC 36-5-2-2 IS AMENDED TO READ AS
- 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The town
- 40 council elected under **IC 3-10-5.5** or IC 3-10-6 or ~~IC 3-10-7~~ is the
- 41 town legislative body. The president of the town council selected under

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1 section 7 of this chapter is the town executive.

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

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

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

16 (2) continues until:

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

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

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

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

24 (2) continues until:

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

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

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

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

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

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

41 (2) ~~four (4) years for the successors of a member of a legislative~~

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1 body described in subdivision (1);
2 beginning noon January 1 after election and continuing until a
3 successor is elected and qualified:

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

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

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

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

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

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

20 (2) The district must be reasonably compact.

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

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

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

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

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

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

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

40 (1) is contiguous to that territory; and

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

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

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1 has not:

2 (1) adopted an ordinance under subsection (a) and subject to

3 subsection (f) after December 31, 2011; or

4 (2) adopted an ordinance recertifying districts under subsection

5 (j) after December 31, 2011;

6 the town legislative body districts are abolished, effective January 1,

7 2018. A town described by this subsection may adopt an ordinance to

8 establish town legislative body districts in accordance with subsection

9 (a) and subject to subsection (f) after January 1, 2018.

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

11 SECTION 58. IC 36-5-2-4.2 IS AMENDED TO READ AS

12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.2. (a) This

13 section applies to the alteration of the number of members of a

14 legislative body.

15 (b) The legislative body may adopt a resolution to submit a public

16 question on the number of legislative body members to the voters of the

17 town. The resolution must state the following:

18 (1) The proposed number of legislative body members, which

19 must be at least three (3) and not more than seven (7).

20 (2) The date of the general ~~municipal~~, or special election at

21 which the public question will appear on the ballot.

22 (3) That the following question will be placed on the ballot in the

23 form provided by IC 3-10-9-4:

24 "Shall the number of town council members be increased

25 (or decreased, if applicable) from _____ (insert the

26 current number of members provided for) to _____

27 (insert the number of members proposed in the

28 resolution)?".

29 (c) IC 3 applies to an election conducted under subsection (b). If

30 the county election board will conduct the election at which the public

31 question will be submitted, the question must be certified to the board

32 under IC 3-10-9-3.

33 (d) If a majority of the votes cast on the question under subsection

34 (b) are in the negative, the legislative body may not adopt a resolution

35 under subsection (b) for at least one (1) year following the date the

36 prior resolution was adopted.

37 (e) If a majority of votes cast on the question under subsection (b)

38 are in the affirmative, the legislative body shall adopt an ordinance at

39 its next regular meeting following the election altering the number of

40 legislative body members to the number specified in the public

41 question. The legislative body may also alter existing districts and

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1 establish new districts in the manner prescribed by IC 36-5-1-10.1. An
 2 ordinance adopted under this subsection becomes effective January 1
 3 following its adoption.

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

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

13 (1) The town has a population of more than ten thousand
 14 (10,000).

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

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

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

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

26 (c) An ordinance adopted under this section must provide for the
 27 following:

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

- 29 a
- 30 **(A) the odd-numbered year that municipal elections are**
 - 31 **held under ~~IC 3-10-6-5~~; before a presidential election**
 - 32 **year, if IC 3-10-5.5 does not apply to the town; or**
 - 33 **(B) an even-numbered year, if IC 3-10-5.5 applies to the**
 - 34 **town.**

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

- 36 **(A) if IC 3-10-5.5 does not apply to the town, either:**
- 37 **(A) (i) during the year before the year described in**
- 38 **subdivision ~~(+)~~; (1)(A); or**
- 39 **~~(B)~~ (ii) during the year after the year described in**
- 40 **subdivision ~~(+)~~; (1)(A); or**
- 41 **(B) if IC 3-10-5.5 applies to the town, during the**

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1 **even-numbered year after the year in which members**
2 **are elected under subdivision (1)(B).**
3 The year for elections under this subdivision must be chosen so
4 that during the elections held for the town legislative body under
5 subdivision (4) **or (5)**, a member of the town legislative body
6 does not serve a term of more than four (4) years.
7 (3) The members of the legislative body elected at large may not
8 be elected at the same time.
9 **(4) If IC 3-10-5.5 does not apply to the town,** at the first two
10 (2) elections after the ordinance is adopted, members are elected
11 to serve the following terms:
12 (A) Two (2) members elected under subdivision ~~(1)~~ **(1)(A)**
13 are elected to a four (4) year term and two (2) members
14 elected under subdivision ~~(1)~~ **(1)(A)** are elected to a three
15 (3) year term.
16 (B) Two (2) members elected under subdivision ~~(2)~~ **(2)(A)**
17 are elected to a four (4) year term and one (1) member
18 elected under subdivision ~~(2)~~ **(2)(A)** is elected to a three (3)
19 year term.
20 The ordinance must provide a random procedure to determine
21 which members serve four (4) year terms and which members
22 serve three (3) year terms.
23 **(5) If IC 3-10-5.5 applies to the town, at the first two (2)**
24 **elections after the ordinance is adopted, members are elected**
25 **to serve the following terms:**
26 (A) Two (2) members elected under subdivision **(1)(B)**
27 are elected to a four (4) year term and two (2) members
28 elected under subdivision **(1)(B)** are elected to a two (2)
29 year term.
30 (B) Two (2) members elected under subdivision **(2)(B)**
31 are elected to a four (4) year term and one (1) member
32 elected under subdivision **(2)(B)** is elected to a two (2)
33 year term.
34 **The ordinance must provide a random procedure to**
35 **determine which members serve four (4) year terms and**
36 **which members serve two (2) year terms.**
37 ~~(5)~~ **(6)** A member of the town council elected after the elections
38 described in ~~subdivision~~ **subdivisions (4) and (5)** serves a term
39 of four (4) years.
40 ~~(6)~~ **(7)** The term of office of a member begins at noon January 1
41 after the member's election.
42 (d) An ordinance adopted under this section may provide that

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1 before the first election after adoption of the ordinance, members of the
2 town legislative body added to the legislative body by the ordinance
3 may be appointed to the legislative body by a vote of the current
4 members of the legislative body.

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

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

11 An ordinance adopted under this subsection must comply with this
12 chapter in establishing the districts and provide details to provide a
13 transition from electing two (2) members at large to electing all
14 members from districts.

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

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

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

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

- 33 (1) begins at noon November 30 following the election; and
- 34 (2) continues until noon January 1 following the next:
 - 35 **(A) municipal election scheduled under IC 3-10-6-5, or**
 - 36 **~~IC 3-10-7-6, if IC 3-10-5.5 does not apply to the town; or~~**
 - 37 **(B) general election that will occur at least three (3)**
 - 38 **years after the clerk-treasurer's election, if IC 3-10-5.5**
 - 39 **applies to the town;**

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

41 (d) The term of office of a clerk-treasurer subject to an ordinance

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1 described by IC 3-10-6-2.6 is:
 2 (1) one (1) year if the clerk-treasurer is elected at the next
 3 municipal election not conducted in a general election year; and
 4 (2) four (4) years for the successors of the clerk-treasurer
 5 described in subdivision (1);
 6 beginning at noon January 1 after the clerk-treasurer's election and
 7 continuing until the clerk-treasurer's successor is elected and qualified.

8 (e) The term of office of a clerk-treasurer subject to an ordinance
 9 described by IC 3-10-7-2.7 is:
 10 (1) three (3) years if the clerk-treasurer is elected at the next
 11 municipal election not conducted in a general election year; and
 12 (2) four (4) years for the successors of the clerk-treasurer
 13 described in subdivision (1);

14 beginning noon January 1 after the clerk-treasurer's election and
 15 continuing until the clerk-treasurer's successor is elected and qualified:
 16 (f) The term of office of a clerk-treasurer subject to an ordinance
 17 described by IC 3-10-7-2.9 is:

18 (1) the term of office provided by the ordinance, not to exceed
 19 four (4) years, for the clerk-treasurer elected in the first election
 20 cycle after adoption of the ordinance; and
 21 (2) four (4) years for the successors of the clerk-treasurer
 22 described in subdivision (1).

23 SECTION 61. IC 36-5-6-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The
 25 clerk-treasurer shall be elected under IC 3-10-5.5 or IC 3-10-6 or
 26 IC 3-10-7 by the voters of the whole town.

27 SECTION 62. [EFFECTIVE UPON PASSAGE] (a) The
 28 legislative services agency and the code revision committee shall
 29 prepare legislation for introduction in the 2027 regular session of
 30 the general assembly to make appropriate changes in statutes as
 31 required by this act.

32 (b) This SECTION expires July 1, 2028.

33 SECTION 63. An emergency is declared for this act.

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