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HOUSE BILL No. 1055

Proposed Changes to January 14, 2026 printing by AM105507

DIGEST OF PROPOSED AMENDMENT

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

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 3-10-6~~ IC 3-5-1-3 IS ADDED TO THE
- 2 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Whenever a statute in
- 4 this title, IC 6, IC 20, or IC 36 refers to a municipal primary
- 5 election, the reference is to the primary election in a municipality
- 6 at which candidates are nominated for election to municipal
- 7 offices, as applicable to the municipality under IC 3-10-5.5 or
- 8 IC 3-10-6.
- 9 (b) Whenever a statute in this title, IC 6, IC 20, or IC 36 refers
- 10 to a municipal election or a municipal general election, the
- 11 reference is to the general election in a municipality at which
- 12 candidates are elected to municipal offices, as applicable to the
- 13 municipality under IC 3-10-5.5 or IC 3-10-6.
- 14 SECTION 2. IC 3-5-2.1-68.5 IS ADDED TO THE INDIANA
- 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 16 [EFFECTIVE UPON PASSAGE]: Sec. 68.5. "Nonpresidential
- 17 election year" refers to an even-numbered year that is not a
- 18 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
 42 municipal election, the seventy-five percent (75%) of expenses that are

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1 not chargeable directly to any particular municipality under section 8
 2 of this chapter must be apportioned to each municipality in the same
 3 ratio that the number of voters who cast a ballot in the municipality at
 4 the municipal election bears to the total number of voters who cast a
 5 ballot in all of the municipalities in the county that conducted a
 6 municipal election.

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

11 (d) (c) This subsection

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

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

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

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

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

33 (2) Prepare all ballots.

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

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

40 SECTION 7. IC 3-6-5-15, AS AMENDED BY P.L.74-2017,
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 15. (a) Except as provided in subsection (b),

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1 this section applies when an election is conducted in a political
 2 subdivision (as defined in IC 36-1-2-13 and other than a county) that
 3 contains territory in more than one (1) county.

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

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

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

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

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

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

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

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

38 SECTION 10. IC 3-8-5-14.5, AS AMENDED BY P.L.278-2019,
 39 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 14.5. (a) A town election board or circuit
 41 court clerk conducting a municipal election under IC 3-10-7
 42 IC 3-10-5.5 or IC 3-10-6 may not include the name of a candidate

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1 nominated by a town convention on the municipal election ballot if the
 2 person files a notice to withdraw with the clerk. The circuit court clerk
 3 shall notify the town election board of any candidate withdrawal filed
 4 under this subsection not later than the deadline for the clerk to file a
 5 copy of the certification of nomination under section 13(e) of this
 6 chapter.

7 (b) The notice to withdraw must:

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

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

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

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

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

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

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

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

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

36 **(1) town that has a population of not more than ten thousand**
 37 **(10,000);**

38 **(2) town that has a population of more than ten thousand**
 39 **(10,000) that has not adopted a resolution under section 2 of**
 40 **this chapter; and**

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

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

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

8 (b) The legislative body (as defined in IC 36-1-2-9) of a city
 9 may adopt a resolution, by majority vote, not later than December
 10 1, 2026, providing that the municipality elects to hold municipal
 11 elections during the general election in each presidential year.

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

14 (1) of a town that has a population of more than ten thousand
 15 (10,000) does not adopt a resolution under subsection (a); or

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

17 this chapter applies to the municipality.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (c) The successors of an individual elected as a judge of a city

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1 or town court under subsection (b) shall:

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

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

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

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

9 (1) be elected at the general election held in each
10 nonpresidential election year;

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

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

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

15 (1) town that has a population of more than ten thousand
16 (10,000) that has adopted a resolution under section 2(a) of
17 this chapter; or

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

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

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

27 (1) town that has a population of more than ten thousand
28 (10,000) that has adopted a resolution under section 2(a) of
29 this chapter; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (2) supply the precincts established with poll lists and
 40 perform all other duties under this title as if the voters were
 41 inhabitants of a municipality with the greatest percentage of
 42 its population within that county.

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

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

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

11 (2) Towns having a population of three thousand five hundred
 12 (3,500) or more.

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

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

17 SECTION 14. IC 3-10-6].5-1, AS ADDED BY P.L.107-2020,
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (b); This
 20 chapter [applies] [expires upon HEA 1055-2026 becoming effective.]
 21 only [to] the following ~~all~~ municipalities. [

22 (1) A town.

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

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

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

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

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

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

41 (A) one (1) year; or

42 (B) three (3) years;

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

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1 (1) correct the voter registration record; and
 2 (2) vote in the precinct where the voter formerly resided;
 3 if the voter makes an oral affirmation as described in subsection (e) or
 4 uses the affidavit prescribed by the election division under
 5 IC 3-10-11-6 to make a written affirmation of the voter's current
 6 residence address as described in section 4 of this chapter. of the
 7 voter's current residence address.

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

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

13 (1) municipal primary election for municipal offices;
 14 (2) municipal general election for municipal offices; or
 15 (3) special election held only within the municipality;
 16 may not vote in the municipal primary election municipal for
 17 municipal offices, general election for municipal offices, or special
 18 election held only within the municipality in the precinct of the person's
 19 former residence.

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

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

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

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

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

41 SECTION 24. IC 3-11-1.5-33 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) If the

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1 boundaries of a municipality are extended before a ~~municipal primary~~
 2 ~~election or a municipal an~~ election:

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

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

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

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

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

19 (b) Notwithstanding section 25 of this chapter, if the county does
 20 not issue a precinct establishment order that establishes precincts in
 21 compliance with section 4(4), 4(5), and 4(6) of this chapter by the
 22 January 31 following the last effective date described in section ~~25(2)~~
 23 **25(b)** of this chapter, the commission may issue an order establishing
 24 precincts as provided under subsection (c).

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

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

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

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

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

37 **(3) a special election conducted under IC 3-10-8 and that is not**
 38 **conducted at the same time as any other election.**

39 (b) Notwithstanding section 26 of this chapter or IC 3-11-18.1-4
 40 in a vote center county, a county election board (~~or a town election~~
 41 board acting under IC 3-10-7) may adopt a resolution or an amendment
 42 to a county vote center plan by the unanimous vote of the board's entire

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

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

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

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

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

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

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

26 (1) located within the county; and

27 (2) having a population of less than three thousand five hundred
28 (3,500).

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

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

35 (1) to a local or school board office other than

36 ~~(A) one for which a town clerk-treasurer issues a certificate~~
37 ~~of election under IC 3-10-7-34; or~~

38 ~~(B) one commissioned by the governor under IC 4-3-1-5; or~~

39 (2) a precinct committeeman or state convention delegate;

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

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

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

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

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

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

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

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

26 or

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

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

30 SECTION 30. IC 3-12-11-25, AS AMENDED BY P.L.186-2025,
 31 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 25. (a) Except as provided in subsection (b),
 33 whenever the commission makes a final determination under section
 34 18 of this chapter that the candidate who is subject to a contest
 35 proceeding is not eligible to serve in the office to which the candidate
 36 is nominated or elected, the candidate who received the second highest
 37 number of votes for the office is entitled to a certificate of nomination
 38 or certificate of election even though a certificate may have been issued
 39 to another candidate upon the tabulation of the votes.

40 (b) This subsection applies to a contest proceeding for a state
 41 office other than the offices of governor, lieutenant governor, justice of
 42 the supreme court, judge of the court of appeals, and judge of the tax

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1 court. Whenever the commission makes a final determination under
 2 section 18(b) of this chapter that the candidate who is subject to a
 3 contest proceeding is not eligible to serve in the office to which the
 4 candidate is elected the following apply:

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

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

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

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

30 (1) be in writing;

31 (2) state the purpose of the meeting;

32 (3) state the date, time, and place of the meeting; and

33 (4) be sent by first class mail to each council member at least ten
 34 (10) days before the meeting.

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

41 (d) The appointed member serves until a successor is elected and
 42 qualified at the next ~~municipal or general~~ election ~~whichever~~ occurs

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1 first: for members of the city-county council. The successor serves
2 from noon January 1 following that election to noon January 1
3 following the next municipal election for members of the city-county
4 council, as provided in IC 36-3-4-2. The persons appointed and elected
5 must be resident voters in the district where the vacancy occurred,
6 unless the vacancy occurred in an at large seat.

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

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

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

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

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

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

35 (2) IC 3-10-5.5.
36 (c) A court established under subsection (a) comes into existence
37 on January 1 of the year following the year in which a judge is elected
38 to serve in that court.

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

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

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1 (1) The office of judicial administration under IC 33-24-6.
2 (2) The secretary of state.
3 (3) The circuit court clerk of the county in which the greatest
4 population of the city or town resides.
5 SECTION 34. IC 33-35-1-3, AS AMENDED BY P.L.109-2015,
6 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 3. (a) The judge of a city or town court shall
8 be elected under ~~IC 3-10-5.5~~ or IC 3-10-6 or ~~IC 3-10-7~~ by the voters
9 of the city or town.
10 (b) Except as provided in ~~subsections subsection (c), (d), and (e)~~,
11 the term of office of a judge elected under this section is four (4) years,
12 beginning at noon January 1 after election and continuing until a
13 successor is elected and qualified.
14 (c) This subsection applies to a town that adopts an ordinance
15 under IC 3-10-6-2.6. The term of office of:
16 (1) a judge elected at the next municipal election not conducted
17 in a general election year is one (1) year; and
18 (2) the successors to the judge described in subdivision (1) is
19 four (4) years;
20 beginning at noon January 1 after election and continuing until a
21 successor is elected and qualified.
22 (d) This subsection applies to a town that adopts an ordinance
23 under ~~IC 3-10-7-2.7~~. The term of office of:
24 (1) a judge elected at the next municipal election not conducted
25 in a general election year is three (3) years; and
26 (2) the successors to the judge described in subdivision (1) is
27 four (4) years;
28 beginning noon January 1 after election and continuing until a
29 successor is elected and qualified.
30 (e) This subsection applies to a town that adopts an ordinance
31 under ~~IC 3-10-7-2.9~~. The term of office of:
32 (1) a judge elected in the first election cycle after adoption of the
33 ordinance is the term of office provided by the ordinance, not to
34 exceed four (4) years; and
35 (2) the successors of the judge described in subdivision (1) is
36 four (4) years.
37 (f) ~~(d)~~ Before beginning the duties of office, the judge shall, in the
38 manner prescribed by IC 5-4-1, execute a bond conditioned upon the
39 faithful discharge of the duties of office.
40 SECTION 35. IC 33-35-3-1 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The officers
42 of a city court are a:

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

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

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

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

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

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

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

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

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

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

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1 become effective.

2 (b) At the next:

3 (1) general election, if:

4 (A) the reorganized political subdivision is not a
5 municipality or a school corporation; or

6 (B) the reorganized political subdivision results from a
7 reorganization including a county and at least one (1)
8 municipality; or

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

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

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

17 after the voters approve a reorganization, one (1) set of officers for the
18 reorganized political subdivision having the combined population of
19 the reorganizing political subdivisions shall be elected by the voters in
20 the territory of the reorganized political subdivision as prescribed by
21 statute.

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

23 (1) one (1) member of the legislative body of the reorganized
24 political subdivision shall be elected from each election district
25 established by the reorganizing political subdivisions in
26 substantially identical resolutions adopted by the legislative body
27 of each of the reorganizing political subdivisions; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 preceding the expiration of those terms, the number of members of the
41 legislative body required by the laws applicable to its new class shall
42 be elected. The powers, duties, functions, and office of an elected

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1 official of a city shall remain unchanged until the expiration of the term
 2 of the elected official, despite a change in city classification for any
 3 reason.

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

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

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

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

18 (A) The city executive.

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

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

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

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

32 (B) as otherwise provided in IC 3.

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

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

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

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

42 (e) Subject to this chapter, the town legislative body or the city

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1 legislative body (after the town is changed into a city) may amend an
 2 ordinance adopted under this section.

3 SECTION 44. IC 36-4-1.5-4, AS ADDED BY P.L.111-2005,
 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 4. (a) Notwithstanding any other law, the term
 6 of office of the city officers elected at the first election of city officers
 7 held under the ordinance adopted under section 3 of this chapter:

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

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

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

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

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

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

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

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

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

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

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1 (b) An election under subsection (a) must be held at the next:
 2 (1) municipal election occurring in the odd-numbered year
 3 before a presidential election year, if IC 3-10-5.5 does not
 4 apply to each of the merging municipalities; or
 5 (2) general election, if IC 3-10-5.5 applies to one (1) or more
 6 of the merging municipalities.

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

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

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

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

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

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

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

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

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

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1 (d) (e) A copy of the joint resolution passed under subsection (a)
 2 (b) shall be:
 3 (1) certified by the presiding officer;
 4 (2) attested by the clerk; and
 5 (3) filed with the legislative body of each of the merging
 6 municipalities and the circuit court clerk of each county in which
 7 the municipalities are located.
 8 SECTION 48. IC 36-4-5-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A mayor,
 10 who is the city executive, shall be elected under:
 11 (1) IC 3-10-5.5; or
 12 (2) IC 3-10-6;
 13 as applicable to the city, by the voters of each city.
 14 (b) A person is eligible to be a city executive only if the person
 15 meets the qualifications prescribed by IC 3-8-1-26.
 16 (c) Residency in territory that is annexed by the city before the
 17 election is considered residency for the purposes of subsection (b),
 18 even if the annexation takes effect less than one (1) year before the
 19 election.
 20 (d) The city executive must reside within the city as provided in
 21 Article 6, Section 6 of the Constitution of the State of Indiana. The
 22 executive forfeits office if the executive ceases to be a resident of the
 23 city.
 24 (e) The term of office of a city executive is four (4) years,
 25 beginning at noon on January 1 after election and continuing until a
 26 successor is elected and qualified.
 27 SECTION 49. IC 36-4-6-2 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A common
 29 council, which is the city legislative body, shall be elected under:
 30 (1) IC 3-10-5.5; or
 31 (2) IC 3-10-6;
 32 as applicable to the city, by the voters of each city.
 33 (b) A person is eligible to be a member of the legislative body only
 34 if the person meets the qualifications prescribed by IC 3-8-1-27.
 35 (c) Residency in territory that is annexed by the city before the
 36 person files a declaration of candidacy or petition of nomination is
 37 considered residency for the purposes of subsection (b), even if the
 38 annexation takes effect less than one (1) year before the election.
 39 (d) A member of the legislative body must reside within:
 40 (1) the city as provided in Article 6, Section 6 of the Constitution
 41 of the State of Indiana; and
 42 (2) the district from which the member was elected, if

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1 applicable.
2 (e) A member forfeits office if the member ceases to be a resident
3 of the district or city.
4 (f) The term of office of a member of the legislative body is four
5 (4) years, beginning at noon on January 1 after election and continuing
6 until a successor is elected and qualified.
7 SECTION 50. IC 36-4-6-3, AS AMENDED BY P.L.169-2022,
8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 3. (a) This section applies only to second class
10 cities.
11 (b) The legislative body shall adopt an ordinance to divide the city
12 into six (6) districts that:
13 (1) are composed of contiguous territory, except for territory that
14 is not contiguous to any other part of the city;
15 (2) are reasonably compact;
16 (3) do not cross precinct boundary lines, except as provided in
17 subsection (c) or (d); and
18 (4) contain, as nearly as is possible, equal population.
19 (c) The boundary of a city legislative body district may cross a
20 precinct boundary line if:
21 (1) more than one (1) member of the legislative body elected
22 from the districts established under subsection (b) resides in one
23 (1) precinct established under IC 3-11-1.5 after the most recent
24 municipal election for members of the city legislative body;
25 and
26 (2) following the establishment of a legislative body district
27 whose boundary crosses a precinct boundary line, not more than
28 one (1) member of the legislative body elected from districts
29 resides within the same city legislative body district.
30 (d) The boundary of a city legislative body district may cross a
31 precinct line if the districts would not otherwise contain, as nearly as
32 is possible, equal population.
33 (e) A city legislative body district with a boundary described by
34 subsection (c) or (d) may not cross a census block boundary line:
35 (1) except when following a precinct boundary line; or
36 (2) unless the city legislative body certifies in the ordinance that
37 the census block has no population, and is not likely to ever have
38 population.
39 (f) The legislative body may not adopt an ordinance dividing the
40 city into districts with boundaries described by subsection (c) or (d)
41 unless the clerk of the city mails a written notice to the circuit court
42 clerk. The notice must:

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- 1 (1) state that the legislative body is considering the adoption of
- 2 an ordinance described by this subsection; and
- 3 (2) be mailed not later than ten (10) days before the legislative
- 4 body adopts the ordinance.
- 5 (g) Except as provided in subsection (j), the division under
- 6 subsection (b) shall be made only at times permitted under IC 3-5-10.
- 7 (h) The legislative body is composed of six (6) members elected
- 8 from the districts established under subsection (b) and three (3) at-large
- 9 members.
- 10 (i) Each voter of the city may vote for three (3) candidates for
- 11 at-large membership and one (1) candidate from the district in which
- 12 the voter resides. The three (3) at-large candidates receiving the most
- 13 votes from the whole city and the district candidates receiving the most
- 14 votes from their respective districts are elected to the legislative body.
- 15 (j) If the legislative body determines that a division under
- 16 subsection (g) is not required, the legislative body shall adopt an
- 17 ordinance recertifying that the districts as drawn comply with this
- 18 section.
- 19 (k) A copy of the ordinance establishing districts or a
- 20 recertification adopted under this section must be filed with the circuit
- 21 court clerk of the county that contains the greatest population of the
- 22 city not later than thirty (30) days after the ordinance or recertification
- 23 is adopted. The filing must include a map of the district boundaries:
- 24 (1) adopted under subsection (b); or
- 25 (2) recertified under subsection (j).
- 26 (l) The limitations set forth in this section are part of the
- 27 ordinance, but do not have to be specifically set forth in the ordinance.
- 28 The ordinance must be construed, if possible, to comply with this
- 29 chapter. If a provision of the ordinance or an application of the
- 30 ordinance violates this chapter, the invalidity does not affect the other
- 31 provisions or applications of the ordinance that can be given effect
- 32 without the invalid provision or application. The provisions of the
- 33 ordinance are severable.
- 34 (m) IC 3-5-10 applies to a plan established under this section.
- 35 SECTION 51. IC 36-4-6-4, AS AMENDED BY P.L.169-2022,
- 36 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities,
- 38 except as provided by section 5 of this chapter.
- 39 (b) This subsection does not apply to a city with an ordinance
- 40 described by subsection (j) or (m). The legislative body shall adopt an
- 41 ordinance to divide the city into five (5) districts that:
- 42 (1) are composed of contiguous territory, except for territory that

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

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

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

8 (1) are composed of contiguous territory;

9 (2) are reasonably compact;

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

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

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

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

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

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

31 (A) are composed of contiguous territory;

32 (B) are reasonably compact;

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

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

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

39 Each voter of the city may vote for two (2) candidates for at-large
 40 membership and one (1) candidate from the district in which the voter
 41 resides. The two (2) at-large candidates receiving the most votes from
 42 the whole city and the district candidates receiving the most votes from

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1 their respective districts are elected to the legislative body.
 2 (n) A copy of the ordinance establishing districts or a
 3 recertification adopted under this section must be filed with the circuit
 4 court clerk of the county that contains the greatest population of the
 5 city ~~no~~ not later than thirty (30) days after the ordinance or
 6 recertification is adopted. The filing must include a map of the district
 7 boundaries:
 8 (1) adopted under subsection (b), (j), or (m); or
 9 (2) recertified under subsection (o).
 10 (o) If the legislative body determines that a division under
 11 subsection (g) is not required, the legislative body shall adopt an
 12 ordinance recertifying that the districts as drawn comply with this
 13 section.
 14 (p) The limitations set forth in this section are part of the
 15 ordinance, but do not have to be specifically set forth in the ordinance.
 16 The ordinance must be construed, if possible, to comply with this
 17 chapter. If a provision of the ordinance or an application of the
 18 ordinance violates this chapter, the invalidity does not affect the other
 19 provisions or applications of the ordinance that can be given effect
 20 without the invalid provision or application. The provisions of the
 21 ordinance are severable.
 22 (q) IC 3-5-10 applies to a plan established under this section.
 23 SECTION 52. IC 36-4-6-5, AS AMENDED BY P.L.169-2022,
 24 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 5. (a) This section applies to third class cities
 26 having a population of less than ten thousand (10,000). The legislative
 27 body of such a city may, by ordinance adopted after June 30, 2010, and
 28 during a year in which an election of the legislative body will not
 29 occur, decide to be governed by this section instead of section 4 of this
 30 chapter. The legislative body districts created by an ordinance adopted
 31 under this subsection apply to the first election of the legislative body
 32 held after the date the ordinance is adopted. The clerk of the legislative
 33 body shall send a certified copy of any ordinance adopted under this
 34 subsection to the secretary of the county election board.
 35 (b) This subsection does not apply to a city with an ordinance
 36 described by subsection (j). The legislative body shall adopt an
 37 ordinance to divide the city into four (4) districts that:
 38 (1) are composed of contiguous territory, except for territory that
 39 is not contiguous to any other part of the city;
 40 (2) are reasonably compact;
 41 (3) do not cross precinct boundary lines except as provided in
 42 subsection (c) or (d); and

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

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

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

5 (2) are reasonably compact;

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

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

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

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

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

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

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

36 (2) recertified under subsection (o).

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

41 (p) The limitations set forth in this section are part of the
 42 ordinance, but do not have to be specifically set forth in the ordinance.

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1 The ordinance must be construed, if possible, to comply with this
 2 chapter. If a provision of the ordinance or an application of the
 3 ordinance violates this chapter, the invalidity does not affect the other
 4 provisions or applications of the ordinance that can be given effect
 5 without the invalid provision or application. The provisions of the
 6 ordinance are severable.

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

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

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

15 (1) either:

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

19 or

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

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

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

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

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

38 (1) is contiguous to that territory; and

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

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

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1 the district that:

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

4 (2) is contiguous to that territory; and

5 (3) contains the least population of all districts contiguous to that
6 territory.

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

9 (1) the office of the secretary of state; and

10 (2) the circuit court clerk of each county in which the town is
11 located.

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

14 SECTION 54. IC 36-5-1.1-10.6, AS AMENDED BY
15 P.L.104-2022, SECTION 169, IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.6. (a) This
17 section applies to included towns.

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

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

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

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

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

38 (e) Dissolution occurs:

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

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

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

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

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

12 SECTION 55. IC 36-5-2-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The town
 14 council elected under **IC 3-10-5.5** or IC 3-10-6 or ~~IC 3-10-7~~ is the
 15 town legislative body. The president of the town council selected under
 16 section 7 of this chapter is the town executive.

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

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

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

- 31 (2) continues until:
 - 32 (A) noon January 1 following the next ~~municipal~~ election
 - 33 scheduled under ~~IC 3-10-6-5~~ or IC 3-10-7-6 for members
 - 34 of the town legislative body; and until
 - 35 (B) the member's successor is elected and qualified.

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

- 38 (1) begins at noon November 30 following the election; and
- 39 (2) continues until:
 - 40 (A) noon January 1 following the next ~~municipal~~ election
 - 41 scheduled under **IC 3-10-5.5** or IC 3-10-6-5 or ~~IC 3-10-7-6~~;
 - 42 as applicable to the municipality; and until

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- 1 (B) the member's successor is elected and qualified.
- 2 (d) The term of office of a member of the legislative body subject
 3 to IC 3-10-6-2.5(d)(1) is three (3) years, beginning at noon January 1
 4 after the member's election and continuing until the member's
 5 successor is elected and qualified.
- 6 (e) The term of office of a member of a legislative body subject to
 7 an ordinance described by IC 3-10-6-2.6 is one (1) year, beginning at
 8 noon January 1 after the member's election and continuing until the
 9 member's successor is elected and qualified.
- 10 (f) The term of office of a member of a legislative body subject to
 11 an ordinance described by IC 3-10-7-2.7 is:
- 12 (1) three (3) years if the member is elected at the next municipal
 13 election not conducted in a general election year; and
 14 (2) four (4) years for the successors of a member of a legislative
 15 body described in subdivision (1);
 16 beginning noon January 1 after election and continuing until a
 17 successor is elected and qualified.
- 18 (g) The term of office of a member of a legislative body subject to
 19 an ordinance described by IC 3-10-7-2.9 is:
- 20 (1) the term of office provided by the ordinance; not to exceed
 21 four (4) years; for a member of the legislative body elected in the
 22 first election cycle after adoption of the ordinance; and
 23 (2) four (4) years for the successors of the member of a
 24 legislative body described in subdivision (1);
- 25 SECTION 57. IC 36-5-2-4.1, AS AMENDED BY P.L.169-2022,
 26 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 4.1. (a) The legislative body may, by
 28 ordinance, divide the town into districts for the purpose of conducting
 29 elections of town officers.
- 30 (b) A town legislative body district must comply with the
 31 following standards:
- 32 (1) The district must be composed of contiguous territory, except
 33 for territory that is not contiguous to any other part of the town.
 34 (2) The district must be reasonably compact.
 35 (3) The district must contain, as nearly as is possible, equal
 36 population.
 37 (4) The district may not cross a census block boundary except
 38 when following a precinct boundary line or unless the ordinance
 39 specifies that the census block has no population and is not
 40 likely to have population before the effective date of the next
 41 federal decennial census.
 42 (5) The district may not cross precinct lines, except as provided

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- 1 in subsection (c).
- 2 (c) The boundary of a town legislative body district established
3 under subsection (a) may cross a precinct boundary line if:
4 (1) the legislative body provides by ordinance under section 5 of
5 this chapter that all legislative body members are to be elected
6 at large by the voters of the whole town; or
7 (2) the district would not otherwise contain, as nearly as is
8 possible, equal population.
- 9 (d) If any territory in the town is not included in one (1) of the
10 districts established under this section, the territory is included in the
11 district that:
12 (1) is contiguous to that territory; and
13 (2) contains the least population of all districts contiguous to that
14 territory.
- 15 (e) The ordinance may be appealed in the manner prescribed by
16 IC 34-13-6. If the town is located in two (2) or more counties, the
17 appeal may be filed in the circuit or superior court of any of those
18 counties.
- 19 (f) This subsection does not apply to a town with an ordinance
20 described by subsection (g). Except as provided in subsection (j), the
21 division permitted by subsection (a) shall be made only at times
22 permitted under IC 3-5-10.
- 23 (g) This subsection applies to a town having a population of less
24 than three thousand five hundred (3,500). The town legislative body
25 may adopt an ordinance providing that:
26 (1) town legislative body districts are abolished; and
27 (2) all members of the legislative body are elected at large.
- 28 (h) An ordinance described by subsection (g):
29 (1) may not be adopted or repealed during a year in which a
30 **municipal an election for municipal office** is scheduled to be
31 conducted in the town under **IC 3-10-5.5** or IC 3-10-6; or
32 ~~IC 3-10-7~~; and
33 (2) is effective upon passage.
- 34 (i) A copy of the ordinance establishing districts or a
35 recertification under this section must be filed with the circuit court
36 clerk of the county that contains the greatest population of the town not
37 later than thirty (30) days after the ordinance or recertification is
38 adopted. The filing must include a map of the district boundaries:
39 (1) adopted under subsection (a); or
40 (2) recertified under subsection (j).
- 41 (j) If the legislative body determines that a division under
42 subsection (a) is not required, the legislative body shall adopt an

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1 ordinance recertifying that the districts as drawn comply with this
 2 section.
 3 (k) 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 (l) This subsection applies to a town having a population of less
 12 than three thousand five hundred (3,500). If the town legislative body
 13 has not:
 14 (1) adopted an ordinance under subsection (a) and subject to
 15 subsection (f) after December 31, 2011; or
 16 (2) adopted an ordinance recertifying districts under subsection
 17 (j) after December 31, 2011;
 18 the town legislative body districts are abolished, effective January 1,
 19 2018. A town described by this subsection may adopt an ordinance to
 20 establish town legislative body districts in accordance with subsection
 21 (a) and subject to subsection (f) after January 1, 2018.
 22 (m) IC 3-5-10 applies to a plan established under this section.
 23 SECTION 58. IC 36-5-2-4.2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.2. (a) This
 25 section applies to the alteration of the number of members of a
 26 legislative body.
 27 (b) The legislative body may adopt a resolution to submit a public
 28 question on the number of legislative body members to the voters of the
 29 town. The resolution must state the following:
 30 (1) The proposed number of legislative body members, which
 31 must be at least three (3) and not more than seven (7).
 32 (2) The date of the general ~~municipal~~, or special election at
 33 which the public question will appear on the ballot.
 34 (3) That the following question will be placed on the ballot in the
 35 form provided by IC 3-10-9-4:
 36 "Shall the number of town council members be increased
 37 (or decreased, if applicable) from _____ (insert the
 38 current number of members provided for) to _____
 39 (insert the number of members proposed in the
 40 resolution)?".
 41 (c) IC 3 applies to an election conducted under subsection (b). If
 42 the county election board will conduct the election at which the public

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1 question will be submitted, the question must be certified to the board
 2 under IC 3-10-9-3.

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

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

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

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

24 (1) The town has a population of more than ten thousand
 25 (10,000).

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

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

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

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

37 (c) An ordinance adopted under this section must provide for the
 38 following:

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

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41 **(A) the odd-numbered year that ~~municipal~~ elections are**
 42 **held under IC 3-10-6-5. before a presidential election**

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year, if IC 3-10-5.5 does not apply to the town; or
(B) an even-numbered year, if IC 3-10-5.5 applies to the
town.

- (2) Three (3) members of the legislative body are elected:
 - (A) if IC 3-10-5.5 does not apply to the town, either:
 - (A) (i) during the year before the year described in
subdivision (†); (1)(A); or
 - (B) (ii) during the year after the year described in
subdivision (†); (1)(A); or
 - (B) if IC 3-10-5.5 applies to the town, during the
even-numbered year after the year in which members
are elected under subdivision (1)(B).

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

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

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

(A) Two (2) members elected under subdivision (†) (1)(A)
are elected to a four (4) year term and two (2) members
elected under subdivision (†) (1)(A) are elected to a three
(3) year term.

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

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

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

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

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

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year term.

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

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

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

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

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

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

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

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

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

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

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

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

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1 (1) begins at noon November 30 following the election; and
2 (2) continues until noon January 1 following the next:
3 (A) municipal election scheduled under IC 3-10-6-5, or
4 ~~IC 3-10-7-6, if IC 3-10-5.5 does not apply to the town; or~~
5 (B) general election that will occur at least three (3)
6 years after the clerk-treasurer's election, if IC 3-10-5.5
7 applies to the town;
8 and until the clerk-treasurer's successor is elected and qualified.
9 (d) The term of office of a clerk-treasurer subject to an ordinance
10 described by IC 3-10-6-2.6 is:
11 (1) one (1) year if the clerk-treasurer is elected at the next
12 municipal election not conducted in a general election year; and
13 (2) four (4) years for the successors of the clerk-treasurer
14 described in subdivision (1);
15 beginning at noon January 1 after the clerk-treasurer's election and
16 continuing until the clerk-treasurer's successor is elected and qualified.
17 (e) The term of office of a clerk-treasurer subject to an ordinance
18 described by IC 3-10-7-2.7 is:
19 (1) three (3) years if the clerk-treasurer is elected at the next
20 municipal election not conducted in a general election year; and
21 (2) four (4) years for the successors of the clerk-treasurer
22 described in subdivision (1);
23 beginning noon January 1 after the clerk-treasurer's election and
24 continuing until the clerk-treasurer's successor is elected and qualified.
25 (f) The term of office of a clerk-treasurer subject to an ordinance
26 described by IC 3-10-7-2.9 is:
27 (1) the term of office provided by the ordinance; not to exceed
28 four (4) years; for the clerk-treasurer elected in the first election
29 cycle after adoption of the ordinance; and
30 (2) four (4) years for the successors of the clerk-treasurer
31 described in subdivision (1);
32 SECTION 61. IC 36-5-6-4 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The
34 clerk-treasurer shall be elected under IC 3-10-5.5 or IC 3-10-6 or
35 ~~IC 3-10-7~~ by the voters of the whole town.
36 SECTION 62. [EFFECTIVE UPON PASSAGE] (a) The
37 legislative services agency and the code revision committee shall
38 prepare legislation for introduction in the 2027 regular session of
39 the general assembly to make appropriate changes in statutes as
40 required by this act.
41 (b) This SECTION expires July 1, 2028.
42 SECTION 63. An emergency is declared for this act.

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