

HOUSE BILL No. 1049

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-10; IC 33-35-1; IC 36-3; IC 36-4; IC 36-5.

Synopsis: Municipal elections. Provides that any municipality may adopt an ordinance to move the election of its elected officers to be held only in even-numbered years. Provides that a municipality's schedule of municipal elections remains the same as it was for the 2015 municipal elections unless it changes the schedule under the new statute. Provides that a municipality that holds any of its municipal elections in years other than even-numbered years shall reimburse the county the county's costs in administering such elections. Repeals existing statutes that authorize towns to change the schedule of their municipal elections in certain specified ways. Makes conforming amendments.

Effective: July 1, 2017.

Aylesworth

January 4, 2017, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 120th General Assembly (2017)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1049

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

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

1 SECTION 1. IC 3-5-2-33.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: **Sec. 33.3. "Nonpresidential election year" refers to an**
4 **even-numbered year that is not a presidential election year.**

5 SECTION 2. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2017]: **Sec. 40.4. "Presidential election year" refers to a year in**
8 **which an election for electors for President of the United States is**
9 **held.**

10 SECTION 3. IC 3-5-3-1 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Except as provided in
12 sections 7 through 10 of this chapter, the county auditor shall pay the
13 expenses of voter registration and for all election supplies, equipment,
14 and expenses out of the county treasury in the manner provided by law.
15 The county fiscal body shall make the necessary appropriations for
16 these purposes.

17 (b) The county executive shall pay to the circuit court clerk or board



1 of registration the expenses of:

2 (1) removing voters from the registration record under IC 3-7-43,
3 IC 3-7-45, or IC 3-7-46; and

4 (2) performing voter list maintenance programs under IC 3-7;
5 out of the county treasury without appropriation.

6 (c) **Except as provided in subsection (d)**, registration expenses
7 incurred by a ~~circuit court clerk or board of county voter~~ registration
8 **office** for:

9 (1) the salaries of members of a board of registration appointed
10 under IC 3-7-12-9;

11 (2) the salaries of chief clerks appointed under IC 3-7-12-17; and

12 (3) the salaries of assistants employed under IC 3-7-12-19;

13 may not be charged to a municipality. ~~However, the~~

14 **(d) This subsection does not apply to the following:**

15 **(1) A municipality that has adopted an ordinance under**
16 **IC 3-10-7.5.**

17 **(2) The expenses of a municipality's elections held in an**
18 **even-numbered year.**

19 A municipality ~~may~~ **shall** be charged for wages of extra persons
20 employed to provide additional assistance reasonably related to the
21 municipal election.

22 SECTION 4. IC 3-5-3-7 IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2017]: Sec. 7. **(a)** All expenses for a municipal
24 primary election or municipal election that is conducted by a county
25 election board shall be allowed by the county executive and shall be
26 paid out of the general fund of the county, without any appropriation
27 being required.

28 **(b) This subsection applies only to a municipality's municipal**
29 **primary elections and municipal elections held in an**
30 **odd-numbered year.** The county auditor shall certify the amount of
31 that allowance to the fiscal officer of the municipality not later than
32 thirty (30) days after the municipal primary or municipal election. The
33 fiscal body of the municipality shall make the necessary appropriation
34 to reimburse the county for the expense of the primary election or
35 election not later than December 31 of the year in which the municipal
36 election is conducted.

37 SECTION 5. IC 3-5-3-8 IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2017]: Sec. 8. **(a) This section applies only to**
39 **a municipality's municipal primary elections and municipal**
40 **elections held in an odd-numbered year.**

41 ~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; **(c)**, during the period
42 that begins ninety (90) days before a municipal primary election and



1 continues until the day after the following municipal election, all
 2 expenses of the primary election and election that cannot be chargeable
 3 directly to any municipality shall be apportioned as follows:

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

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

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

11 SECTION 6. IC 3-5-3-9 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) Except as provided in
 13 subsection (c), whenever more than one (1) municipality in a county
 14 conducts a municipal primary election **in an odd-numbered year**, the
 15 ~~seventy-five percent (75%)~~ of expenses that cannot be chargeable
 16 directly to any particular municipality under section 8 of this chapter
 17 shall be apportioned to each municipality in the same ratio that the
 18 number of voters who cast a ballot in the municipality at the municipal
 19 primary election bears to the total number of voters who cast a ballot
 20 in all of the municipalities in the county at that municipal primary
 21 election.

22 (b) Except as provided in subsection (c), whenever more than one
 23 (1) municipality in a county conducts a municipal election **in an**
 24 **odd-numbered year**, the ~~seventy-five percent (75%)~~ of expenses that
 25 are not chargeable directly to any particular municipality under section
 26 8 of this chapter must be apportioned to each municipality in the same
 27 ratio that the number of voters who cast a ballot in the municipality at
 28 the municipal election bears to the total number of voters who cast a
 29 ballot in all of the municipalities in the county that conducted a
 30 municipal election.

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

35 SECTION 7. IC 3-10-6-1 IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) **Except as provided in**
 37 **subsection (c)**, this chapter applies to municipal and school district
 38 elections in the following municipalities:

39 (1) ~~All cities.~~ **A city.**

40 (2) ~~Towns~~ **A town** having a population of three thousand five
 41 hundred (3,500) or more.

42 (3) ~~Towns~~ **A town** located entirely or partially within a county



1 having a consolidated city, regardless of ~~their~~ its population.

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

4 **(c) This chapter does not apply to a municipality that has
5 adopted an ordinance under IC 3-10-7.5.**

6 SECTION 8. IC 3-10-6-2, AS AMENDED BY P.L.230-2005,
7 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2017]: Sec. 2. (a) Except as otherwise provided in ~~this~~
9 ~~chapter, IC 3-10-7.5~~, a municipal primary election shall be held on the
10 first Tuesday after the first Monday in May ~~2007 and every four (4)~~
11 ~~years thereafter. of each year before a presidential election year.~~

12 (b) Each political party whose nominee received at least ten percent
13 (10%) of the votes cast in the state for secretary of state at the ~~last most~~
14 ~~recent~~ election for secretary of state shall nominate all candidates to
15 be voted for at the municipal election to be held in November ~~of the~~
16 ~~year before a presidential election year.~~

17 SECTION 9. IC 3-10-6-2.5 IS REPEALED [EFFECTIVE JULY 1,
18 2017]. Sec. 2.5. (a) ~~This section does not apply to a town located~~
19 ~~wholly or partially within a county having a consolidated city unless~~
20 ~~the town has a population of more than one thousand (1,000) but less~~
21 ~~than one thousand four hundred (1,400).~~

22 (b) ~~This section applies to a town that has not adopted an ordinance:~~

23 (1) ~~under IC 18-3-1-16(b) (before its repeal on September 1,~~
24 ~~1981); or~~

25 (2) ~~in 1982 under P.L.13-1982; SECTION 3 (before its expiration~~
26 ~~on January 1, 1988).~~

27 (c) ~~Notwithstanding IC 3-10-6-6, a town may adopt an ordinance~~
28 ~~during the year preceding a municipal election conducted under section~~
29 ~~2 of this chapter prescribing the length of the term of office for town~~
30 ~~legislative body members elected in the municipal election.~~

31 (d) ~~The ordinance must provide that:~~

32 (1) ~~no more than fifty percent (50%) of the members will be~~
33 ~~elected for terms of three (3) years beginning at noon January 1~~
34 ~~following the municipal election under section 2 of this chapter;~~
35 ~~and~~

36 (2) ~~the remainder of the members will be elected for terms of four~~

37 (4) ~~years beginning at noon January 1 following the election.~~

38 SECTION 10. IC 3-10-6-2.6 IS REPEALED [EFFECTIVE JULY
39 1, 2017]. Sec. 2.6. (a) ~~This section does not apply to a town located~~
40 ~~wholly or partially within a county having a consolidated city.~~

41 (b) ~~This section applies to a town that has adopted an ordinance:~~

42 (1) ~~under IC 18-3-1-16(b) (before its repeal on September 1,~~



1 1981); or

2 (2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration
3 on January 1, 1988).

4 (c) A town may adopt an ordinance during a year in which an
5 election of town legislative body members; a town clerk-treasurer; or
6 a town judge will not occur under section 3 of this chapter.

7 (d) The ordinance described in subsection (c) must provide that:

8 (1) the town legislative body members; clerk-treasurer; or judge
9 elected at the next municipal election not conducted in a general
10 election year serve terms of one (1) year; and

11 (2) the successors of the town legislative body members;
12 clerk-treasurer; or judge described in subdivision (1) shall be
13 chosen at the first general election following the municipal
14 election and serve terms of four (4) years.

15 SECTION 11. IC 3-10-6-3 IS REPEALED [EFFECTIVE JULY 1,
16 2017]. Sec. 3: (a) Notwithstanding section 2 of this chapter, in a town
17 that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on
18 September 1, 1981), P.L.13-1982, SECTION 3 (before its expiration on
19 January 1, 1988); or section 2.5 of this chapter each political party
20 shall, at the primary election in:

21 (1) May 2018 and every four (4) years thereafter; and

22 (2) May 2019 and every four (4) years thereafter;

23 nominate candidates for the election to be held under section 6(a) of
24 this chapter, unless a primary election is not required under section 4
25 of this chapter. The primary election shall be conducted under this
26 chapter.

27 (b) Notwithstanding section 2 of this chapter, in a town that adopted
28 an ordinance under section 2.6 of this chapter each political party shall;
29 at the primary election in:

30 (1) May 2016 and every four (4) years thereafter; and

31 (2) May 2018 and every four (4) years thereafter;

32 nominate candidates for the election to be held under section 6(b) of
33 this chapter, unless a primary election is not required under section 4
34 of this chapter. The primary election shall be conducted under this
35 chapter.

36 (c) Notwithstanding section 2 of this chapter, in a town that adopted
37 an ordinance under section 2.6 of this chapter each political party shall;
38 at the primary election in May 2016 and every four (4) years thereafter;
39 nominate candidates for the election to be held under section 6(c) of
40 this chapter, unless a primary election is not required under section 4
41 of this chapter. The primary election shall be held under this chapter.

42 SECTION 12. IC 3-10-6-4.5 IS REPEALED [EFFECTIVE JULY



1 1, 2017]. Sec. 4-5: (a) Notwithstanding section 2 of this chapter, this
 2 section applies to a town with a legislative body that adopts an
 3 ordinance under IC 36-5-2-4.5:

4 (b) Unless a primary election is not required under section 4 of this
 5 chapter, a primary election shall be held in a town under this section at
 6 both of the following times:

7 (1) During a year that municipal elections are held under section
 8 5 of this chapter:

9 (2) At the time of the primary election held in the year stated in an
 10 ordinance adopted under IC 36-5-2-4.5(c)(2):

11 (c) At a primary election held under subsection (b), a political party
 12 with a nominee who receives at least ten percent (10%) of the votes
 13 cast in the state for secretary of state at the most recent election for
 14 secretary of state shall nominate candidates for the following town
 15 offices:

16 (1) At the time of the primary held in the town under subsection
 17 (b)(1), the following candidates:

18 (A) Four (4) candidates for the town legislative body, three (3)
 19 of whom are elected from districts and one (1) who is elected
 20 at large. If the town legislative body adopts an ordinance under
 21 IC 36-5-2-4.5(e), all candidates are elected from districts:

22 (B) Candidates for all other town offices other than the town
 23 legislative body:

24 (2) At the time of the primary election held under subsection
 25 (b)(2), three (3) candidates for the town legislative body, two (2)
 26 of whom are elected from districts and one (1) who is elected at
 27 large. If the town legislative body adopts an ordinance under
 28 IC 36-5-2-4.5(e), all candidates are elected from districts:

29 The primary election is conducted under this chapter:

30 (d) Notwithstanding section 5 of this chapter, an election to fill town
 31 offices under this section is held as follows:

32 (1) During a year municipal elections are held under section 5 of
 33 this chapter, the following town offices are elected:

34 (A) Four (4) members of the town legislative body, three (3)
 35 of whom are elected from districts and one (1) who is elected
 36 at large. If the town legislative body adopts an ordinance under
 37 IC 36-5-2-4.5(e), all members are elected from districts:

38 (B) All other town offices other than the town legislative body:

39 (2) During a year in which candidates for the town legislative
 40 body are nominated under subsection (c)(2), three (3) members of
 41 the town legislative body, two (2) of whom are elected from
 42 districts and one (1) who is elected at large. If the town legislative



1 body adopts an ordinance under IC 36-5-2-4.5(e); all members are
 2 elected from districts.
 3 The election shall be conducted under this chapter.
 4 SECTION 13. IC 3-10-6-5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. Except as otherwise
 6 provided in this chapter; (a) Subject to subsections (b) and (c), a
 7 municipal election shall be held on the first Tuesday after the first
 8 Monday in November 2007 and every four (4) years thereafter. of each
 9 year before a presidential election year. At the election, public
 10 officials shall be elected to each municipal office.
 11 (b) Unless a municipality adopts an ordinance under
 12 IC 3-10-7.5, the municipality shall elect its public officials to each
 13 municipal office under the election schedule the municipality
 14 conducted its municipal elections in effect in 2015 under this
 15 chapter (before its amendment in 2017) or under IC 3-10-7 (before
 16 its amendment in 2017).
 17 (c) A municipality that adopts an ordinance under IC 3-10-7.5
 18 shall elect its public officials to each municipal office according to
 19 the election schedule the municipality adopts in the ordinance
 20 adopted under IC 3-10-7.5.
 21 SECTION 14. IC 3-10-6-6 IS REPEALED [EFFECTIVE JULY 1,
 22 2017]. Sec. 6: (a) Notwithstanding section 5 of this chapter; a town that
 23 adopted an ordinance under IC 18-3-1-16(b) (before its repeal on
 24 September 1, 1981); P.L.13-1982; SECTION 3 (before its expiration on
 25 January 1, 1988); or section 2.5 of this chapter shall:
 26 (1) at the general election in November 2018 and every four (4)
 27 years thereafter; and
 28 (2) at the municipal election in November 2019 and every four (4)
 29 years thereafter;
 30 elect town council members for terms of four (4) years to those offices
 31 whose terms expire at noon January 1 following the election; as
 32 provided in IC 36-5-2-3. The election shall be conducted under this
 33 chapter.
 34 (b) Notwithstanding section 5 of this chapter; a town that adopted
 35 an ordinance under section 2.6 of this chapter shall:
 36 (1) at the general election in November 2016 and every four (4)
 37 years thereafter; and
 38 (2) at the general election in November 2018 and every four (4)
 39 years thereafter;
 40 elect town council members for terms of four (4) years to those offices
 41 whose terms expire at noon January 1 of the following year. The
 42 election shall be conducted under this chapter.



1 (c) Notwithstanding section 5 of this chapter, a town that adopted
 2 an ordinance under section 2.6 of this chapter shall, at the general
 3 election in November 2016 and every four (4) years thereafter, elect a
 4 town clerk-treasurer and town court judge (if a town court has been
 5 established under IC 33-35-1-1) to those offices whose terms expire at
 6 noon January 1 of the following year. The election shall be conducted
 7 under this chapter.

8 SECTION 15. IC 3-10-7-1 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) This chapter
 10 applies to municipal elections in towns having a town:

11 (1) having a population of less than three thousand five hundred
 12 (3,500); and

13 (2) that are is not located entirely or partially within a county
 14 having a consolidated city.

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

17 SECTION 16. IC 3-10-7-2.5 IS REPEALED [EFFECTIVE JULY
 18 1, 2017]. Sec. 2.5: (a) This section does not apply to a town located
 19 wholly or partially within a county having a consolidated city unless
 20 the town has a population of more than one thousand (1,000) but less
 21 than one thousand four hundred (1,400):

22 (b) A town may adopt an ordinance under IC 3-10-6-2.5, if the town
 23 has not adopted an ordinance under IC 18-3-1-16(b) (before its repeal
 24 on September 1, 1981) or P.L.13-1982, SECTION 3 (before its
 25 expiration on January 1, 1988):

26 SECTION 17. IC 3-10-7-2.7 IS REPEALED [EFFECTIVE JULY
 27 1, 2017]. Sec. 2.7: (a) This section does not apply to a town located
 28 wholly or partially within a county having a consolidated city:

29 (b) A town may adopt an ordinance during the year preceding a
 30 municipal election conducted under section 2 of this chapter
 31 prescribing the length of the term of office for municipal officers and
 32 changing the time municipal elections are held:

33 (c) The ordinance described in subsection (b) must provide all of the
 34 following:

35 (1) The town legislative body members, clerk-treasurer, or judge
 36 elected at the next municipal election not conducted in a general
 37 election year serve a term of three (3) years:

38 (2) The successors of the town legislative body members,
 39 clerk-treasurer, or judge described in subdivision (1) shall be
 40 chosen at the second general election following the municipal
 41 election and serve a term of four (4) years:

42 (3) The municipal elections for town offices shall be held during



1 a general election.

2 (d) A town may repeal an ordinance adopted under subsection (b)
3 subject to both of the following:

4 (1) The ordinance may not be repealed earlier than twelve (12)
5 years after the ordinance was adopted.

6 (2) The ordinance may be repealed only in a year preceding a
7 municipal election held at the time described in IC 3-10-6-5.

8 SECTION 18. IC 3-10-7-2.9 IS REPEALED [EFFECTIVE JULY
9 1, 2017]. Sec. 2-9: (a) This section does not apply to a town located
10 wholly or partially within a county having a consolidated city.

11 (b) During the year preceding a municipal election conducted under
12 section 2 of this chapter, a town may adopt an ordinance changing the
13 time municipal elections are held for the offices of the town legislative
14 body members, clerk-treasurer, and judge.

15 (c) The ordinance described in subsection (b) must provide all the
16 following:

17 (1) The years in which town elections shall be held. A town
18 election may not be held in a year following a year in which an
19 election for electors for President of the United States is held.

20 (2) That the elections for town offices shall be held during general
21 elections or municipal elections, or both.

22 (3) Which town officers are to be elected in each of the years of
23 the town election cycle. The ordinance must provide that at least
24 two (2) town officers shall be elected in each year of the town
25 election cycle. The ordinance may provide for all town officers to
26 be elected at the same election.

27 (4) The term of office of each town officer elected in the first
28 election cycle after adoption of the ordinance. A term of office set
29 under this subdivision may not exceed four (4) years.

30 (5) That the term of office of each town officer elected after the
31 first election cycle after adoption of the ordinance is four (4)
32 years.

33 (6) That the term of office of each town officer begins on January
34 † after the election.

35 (d) A town may repeal an ordinance adopted under subsection (b)
36 subject to both of the following:

37 (1) The ordinance may not be repealed earlier than twelve (12)
38 years after the ordinance was adopted.

39 (2) The ordinance may be repealed only in a year preceding a
40 municipal election held at the time described in IC 3-10-6-5.

41 SECTION 19. IC 3-10-7-3 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. If a town has



1 established staggered terms for its town council, or has adopted an
 2 ordinance under section 2.7 or 2.9 of this chapter **(before their**
 3 **repeal)**, the county election board shall conduct a municipal election
 4 in that town that coincides with a general election.

5 SECTION 20. IC 3-10-7-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. The county election
 7 board shall conduct a municipal election in a town that is located in a
 8 county having a consolidated city. The county election board shall
 9 conduct the municipal election in the same manner as it conducts a
 10 consolidated city election. ~~However, a town that is subject to this~~
 11 ~~section is not required to reimburse the county for any of the expenses~~
 12 ~~of conducting a municipal election.~~

13 SECTION 21. IC 3-10-7.5 IS ADDED TO THE INDIANA CODE
 14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2017]:

16 **Chapter 7.5. Municipal Elections in Even-Numbered Years**

17 **Sec. 1. (a) This chapter applies to a municipality that adopts an**
 18 **ordinance under section 3 of this chapter.**

19 **(b) A municipality that has not adopted an ordinance under this**
 20 **chapter shall elect its public officials to each municipal office under**
 21 **the election schedule the municipality conducted its municipal**
 22 **elections in effect in 2015 under IC 3-10-6 (before its amendment**
 23 **in 2017) or under IC 3-10-7 (before its amendment in 2017).**

24 **(c) The following do not apply to a municipality that adopts an**
 25 **ordinance under section 3 of this chapter:**

26 **(1) IC 3-10-6.**

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

28 **Sec. 2. Except as provided in section 5 of this chapter, an**
 29 **ordinance adopted under this chapter may be adopted only during**
 30 **a nonpresidential election year.**

31 **Sec. 3. (a) A municipality may adopt an ordinance providing for**
 32 **changing the time that municipal elections are held under this**
 33 **section.**

34 **(b) An ordinance adopted under this section must provide for**
 35 **the following:**

36 **(1) A designation of those elected municipal officers (if any)**
 37 **who will be elected in a nonpresidential election year.**

38 **(2) That the municipal officers designated under subdivision**
 39 **(1) will:**

40 **(A) be elected the following year;**

41 **(B) take office January 1 of the next presidential election**
 42 **year; and**



- 1 (C) serve a term of three (3) years.
- 2 (3) That the successors of the elected municipal officers
- 3 elected as provided in subdivision (2) will:
- 4 (A) be elected at the next nonpresidential election year;
- 5 (B) take office January 1 of the following year; and
- 6 (C) be elected and take office every four (4) years
- 7 thereafter.
- 8 (4) A designation of those elected municipal officers (if any)
- 9 who will be elected in a presidential election year.
- 10 (5) That the elected municipal officers designated under
- 11 subdivision (4) will:
- 12 (A) be elected the following year;
- 13 (B) take office January 1 of the next presidential election
- 14 year; and
- 15 (C) serve a term of one (1) year.
- 16 (6) That the successors of the elected municipal officers
- 17 elected as provided in subdivision (5) will:
- 18 (A) be elected in the next presidential election year;
- 19 (B) take office January 1 of the following year; and
- 20 (C) be elected and take office every four (4) years
- 21 thereafter.
- 22 (c) An ordinance adopted under this section may provide for
- 23 any of the following:
- 24 (1) All the municipality's elected officers are elected in a
- 25 presidential election year.
- 26 (2) All the municipality's elected officers are elected in a
- 27 nonpresidential election year.
- 28 (3) The municipality's elected officers are elected in any
- 29 combination specified in the ordinance in both the
- 30 presidential election year and the nonpresidential election
- 31 year.
- 32 Sec. 4. Notwithstanding IC 3-10-6 or IC 3-10-7, a municipality
- 33 may repeal an ordinance adopted under IC 3-10-6 (as in effect
- 34 before July 1, 2017) or IC 3-10-7 (as in effect before July 1, 2017)
- 35 that established a schedule of elections when it adopts an ordinance
- 36 under this chapter.
- 37 Sec. 5. (a) A municipality may not repeal an ordinance adopted
- 38 under this chapter.
- 39 (b) A municipality may amend an ordinance adopted under this
- 40 chapter to do the following:
- 41 (1) Make technical or other nonsubstantive changes to the
- 42 ordinance.



1 **(2) Change the schedule of election of one (1) or more elected**
 2 **municipal offices, subject to the following:**

3 **(A) The municipal election schedule may not be changed so**
 4 **that any elected municipal office is elected in an**
 5 **odd-numbered year.**

6 **(B) The amending ordinance must be adopted before the**
 7 **year in which the next municipal election to which the**
 8 **schedule change would apply occurs.**

9 **(C) The amending ordinance may shorten the term of**
 10 **office for the first officers elected to the offices affected by**
 11 **the amending ordinance to be less than four (4) years.**

12 **(D) The amending ordinance must provide that the**
 13 **successors of the officers described in clause (C) are**
 14 **elected to terms of four (4) years.**

15 **Sec. 6. Candidates for election to municipal offices shall be**
 16 **nominated as provided in this title for candidates for other offices.**

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

21 **(b) The political party shall nominate all candidates for election**
 22 **to municipal offices at a primary election as provided in IC 3-10.**

23 **Sec. 8. (a) This section applies to a political party:**

24 **(1) not qualified to conduct a primary election under IC 3-10;**
 25 **and**

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

28 **(b) The political party may conduct a convention to nominate**
 29 **candidates for municipal offices not later than noon on the date**
 30 **specified by IC 3-13-1-7(a)(1) for a major political party to act to**
 31 **fill a candidate vacancy.**

32 **(c) The chairman and secretary of the convention shall execute**
 33 **and acknowledge a certificate setting forth the nominees of the**
 34 **convention in accordance with IC 3-8-5-13. The certificate must be**
 35 **filed with the circuit court clerk of the county containing the**
 36 **greatest percentage of the population of the municipality not later**
 37 **than noon on the date specified by IC 3-13-1-15(c) for a major**
 38 **political party to file a certificate of candidate selection.**

39 **(d) Each candidate nominated under this section must execute**
 40 **a consent to the nomination in the same form as a candidate**
 41 **nominated by petition under IC 3-8-6. The consent must be filed**
 42 **with the certificate under subsection (c).**



1 (e) A candidate's consent to the nomination must include a
 2 statement that the candidate requests the name on the candidate's
 3 voter registration record be the same as the name the candidate
 4 uses on the consent to the nomination. If there is a difference
 5 between the name on the candidate's consent to the nomination and
 6 the name on the candidate's voter registration record, the officer
 7 with whom the consent to the nomination is filed shall forward the
 8 information to the county voter registration office of the
 9 appropriate county as required by IC 3-5-7-6(e). The county voter
 10 registration office of the appropriate county shall change the name
 11 on the candidate's voter registration record to be the same as the
 12 name on the candidate's consent to the nomination.

13 (f) A question concerning the validity of a candidate's
 14 nomination under this section shall be determined by a county
 15 election board in accordance with IC 3-13-1-16.5(b) and
 16 IC 3-13-1-16.5(c).

17 (g) A nominee who wants to withdraw must file a notice of
 18 withdrawal in accordance with IC 3-8-7-28.

19 (h) A county election board may not include the name of a
 20 candidate on the ballot if the person files with the board a notice to
 21 withdraw. The notice must:

- 22 (1) be signed and acknowledged before an officer authorized
- 23 to take acknowledgments of deeds;
- 24 (2) have the certificate of acknowledgment appended to the
- 25 notice; and
- 26 (3) be filed with the board not later than noon three (3) days
- 27 after the adjournment of the convention.

28 **Sec. 9.** The general election for municipal offices shall be held on
 29 the first Tuesday after the first Monday in November of the
 30 following:

- 31 (1) A presidential election year, for municipal offices whose
- 32 terms expire at the end of the presidential election year.
- 33 (2) A nonpresidential election year, for municipal offices
- 34 whose terms expire at the end of the nonpresidential election
- 35 year.

36 **Sec. 10. (a)** In accordance with IC 3-11-1.5 and to the extent
 37 applicable and feasible, the circuit court clerk, the county fiscal
 38 body, the county executive, and the county election board of each
 39 county in which there are voters who may vote for offices in a
 40 municipality, but who live in a county adjacent to the county in
 41 which the greatest percentage of the population of the municipality
 42 resides, shall:



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

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

13 SECTION 22. IC 33-35-1-1, AS AMENDED BY P.L.164-2006,
 14 SECTION 141, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) During ~~2006 and every fourth~~
 16 ~~year after that,~~ every nonpresidential election year (as defined in
 17 IC 3-5-2-33.3), a second or third class city or a town may by ordinance
 18 establish or abolish a city or town court. An ordinance to establish a
 19 city or town court must be adopted not less than one (1) year before the
 20 judge's term would begin under section 3 of this chapter.

21 (b) The judge for a court established under subsection (a) shall be
 22 elected under the following:

23 (1) IC 3-10-7.5 and the ordinance, if the municipality has
 24 adopted an ordinance under IC 3-10-7.5.

25 (2) If subdivision (1) does not apply, IC 3-10-6 or IC 3-10-7 at
 26 the municipal election in ~~November 2007 and every four (4) years~~
 27 ~~thereafter,~~ every presidential election year (as defined in
 28 IC 3-5-2-40.4).

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

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

34 (e) A city or town that establishes or abolishes a court under this
 35 section shall give notice of its action to the division of state court
 36 administration of the office of judicial administration under IC 33-24-6.

37 SECTION 23. IC 33-35-1-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) This section
 39 applies to a town that:

40 (1) ~~adopts has adopted~~ an ordinance under IC 3-10-6-2.6 (before
 41 its repeal), but has not adopted an ordinance under
 42 IC 3-10-7.5; and



1 (2) subsequently adopts an ordinance to establish a town court
2 under section 1 of this chapter.

3 (b) Notwithstanding section 1 of this chapter, the judge of the town
4 court shall be elected at the next municipal election not conducted in
5 a general election year. The successors of the judge shall be elected at
6 the first general election following the municipal election and every
7 four (4) years thereafter.

8 SECTION 24. IC 33-35-1-3, AS AMENDED BY P.L.109-2015,
9 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2017]: Sec. 3. (a) The judge of a city or town court shall be
11 elected under IC 3-10-6, ~~or~~ IC 3-10-7, **or IC 3-10-7.5**, by the voters of
12 the city or town.

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

17 (c) This subsection applies to a town that ~~adopts~~ **has adopted** an
18 ordinance under IC 3-10-6-2.6 **(before its repeal)**. The term of office
19 of:

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

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

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

26 (d) This subsection applies to a town that ~~adopts~~ **has adopted** an
27 ordinance under IC 3-10-7-2.7 **(before its repeal)**. The term of office
28 of:

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

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

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

35 (e) This subsection applies to a town that ~~adopts~~ **has adopted** an
36 ordinance under IC 3-10-7-2.9 **(before its repeal)**. The term of office
37 of:

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

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



1 **(f) This subsection applies to a municipality that has adopted an**
 2 **ordinance under IC 3-10-7.5. The term of office of:**

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

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

11 SECTION 25. IC 36-3-3-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A mayor, who is
 13 the executive of both the consolidated city and the county, shall be
 14 elected under:

- 15 **(1) IC 3-10-6; or**
 16 **(2) IC 3-10-7.5, if an ordinance has been adopted under**
 17 **IC 3-10-7.5;**

18 by the voters of the whole county.

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

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

24 SECTION 26. IC 36-3-4-2, AS AMENDED BY P.L.266-2013,
 25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2017]: Sec. 2. (a) A city-county council, which is the
 27 legislative body of both the consolidated city and the county, shall be
 28 elected under:

- 29 **(1) IC 3-10-6; or**
 30 **(2) IC 3-10-7.5, if an ordinance has been adopted under**
 31 **IC 3-10-7.5;**

32 by the voters of the county. The city-county council consists of ~~the~~
 33 ~~following members:~~

- 34 ~~(1) Before January 1, 2016, twenty-nine (29) members;~~
 35 ~~(2) After December 31, 2015, twenty-five (25) members.~~

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

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

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

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



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

10 SECTION 27. IC 36-4-5-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A mayor, who is
 12 the city executive, shall be elected under:

13 (1) IC 3-10-6; or

14 (2) **IC 3-10-7.5, if an ordinance has been adopted under**
 15 **IC 3-10-7.5;**

16 by the voters of each city.

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

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

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

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

30 SECTION 28. IC 36-4-6-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A common
 32 council, which is the city legislative body, shall be elected under:

33 (1) IC 3-10-6; or

34 (2) **IC 3-10-7.5, if an ordinance has been adopted under**
 35 **IC 3-10-7.5;**

36 by the voters of each city.

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

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



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

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

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

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

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

10 SECTION 29. IC 36-5-2-2 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. The town council
12 elected under IC 3-10-6, ~~or~~ IC 3-10-7, **or IC 3-10-7.5** is the town
13 legislative body. The president of the town council selected under
14 section 7 of this chapter is the town executive.

15 SECTION 30. IC 36-5-2-3, AS AMENDED BY P.L.109-2015,
16 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2017]: Sec. 3. (a) Except as provided in subsection ~~(b)~~, ~~(c)~~,
18 ~~(d)~~, ~~(e)~~, ~~(f)~~, ~~or (g)~~, **(b) or (c)**, the term of office of a member of the
19 legislative body is four (4) years, beginning at noon January 1 after the
20 member's election and continuing until the member's successor is
21 elected and qualified.

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

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

29 (2) continues until noon January 1 following the next municipal
30 election scheduled under IC 3-10-6-5 or IC 3-10-7-6 and until the
31 member's successor is elected and qualified.

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

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

35 (2) continues until noon January 1 following the next municipal
36 election scheduled under IC 3-10-6-5 or IC 3-10-7-6 and until the
37 member's successor is elected and qualified.

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

42 (e) The term of office of a member of a legislative body subject to



1 an ordinance described by IC 3-10-6-2.6 is one (1) year; beginning at
 2 noon January 1 after the member's election and continuing until the
 3 member's successor is elected and qualified.

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

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

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

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

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

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

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

19 SECTION 31. IC 36-5-2-4.1, AS AMENDED BY P.L.271-2013,
 20 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2017]: Sec. 4.1. (a) The legislative body may, by ordinance,
 22 divide the town into districts for the purpose of conducting elections of
 23 town officers.

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

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

28 (2) The district must be reasonably compact.

29 (3) The district must contain, as nearly as is possible, equal
 30 population.

31 (4) The district may not cross a census block boundary except
 32 when following a precinct boundary line or unless the ordinance
 33 specifies that the census block has no population and is not likely
 34 to ever have population.

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

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

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

42 (2) the district would not otherwise contain, as nearly as is



- 1 possible, equal population.
- 2 (d) If any territory in the town is not included in one (1) of the
3 districts established under this section, the territory is included in the
4 district that:
- 5 (1) is contiguous to that territory; and
6 (2) contains the least population of all districts contiguous to that
7 territory.
- 8 (e) If any territory in the town is included in more than one (1) of the
9 districts established under this section, the territory is included in the
10 district that:
- 11 (1) is one (1) of the districts in which the territory is described in
12 the ordinance adopted under this section;
13 (2) is contiguous to that territory; and
14 (3) contains the least population of all districts contiguous to that
15 territory.
- 16 (f) The ordinance may be appealed in the manner prescribed by
17 IC 34-13-6. If the town is located in two (2) or more counties, the
18 appeal may be filed in the circuit or superior court of any of those
19 counties.
- 20 (g) This subsection does not apply to a town with an ordinance
21 described by subsection (h). Except as provided in subsection (k), the
22 division permitted by subsection (a) shall be made:
- 23 (1) during the second year after a year in which a federal
24 decennial census is conducted, subject to IC 3-11-1.5-32; and
25 (2) when required to assign annexed territory to a municipal
26 legislative body district.
- 27 The division may also be made in any other year.
- 28 (h) This subsection applies to a town having a population of less
29 than three thousand five hundred (3,500). The town legislative body
30 may adopt an ordinance providing that:
- 31 (1) town legislative body districts are abolished; and
32 (2) all members of the legislative body are elected at large.
- 33 (i) An ordinance described by subsection (h):
- 34 (1) may not be adopted or repealed during a year in which a
35 municipal election is scheduled to be conducted in the town under
36 IC 3-10-6, ~~or~~ IC 3-10-7, **or IC 3-10-7.5**; and
37 (2) is effective upon passage.
- 38 (j) A copy of the ordinance establishing districts or a recertification
39 under this section must be filed with the circuit court clerk of the
40 county that contains the greatest population of the town not later than
41 thirty (30) days after the ordinance or recertification is adopted. The
42 filing must include a map of the district boundaries:



- 1 (1) adopted under subsection (a); or
 2 (2) recertified under subsection (k).
 3 (k) This subsection applies during the second year after a year in
 4 which a federal decennial census is conducted. If the legislative body
 5 determines that a division under subsection (a) is not required, the
 6 legislative body shall adopt an ordinance recertifying that the districts
 7 as drawn comply with this section.
 8 (l) The limitations set forth in this section are part of the ordinance,
 9 but do not have to be specifically set forth in the ordinance. The
 10 ordinance must be construed, if possible, to comply with this chapter.
 11 If a provision of the ordinance or an application of the ordinance
 12 violates this chapter, the invalidity does not affect the other provisions
 13 or applications of the ordinance that can be given effect without the
 14 invalid provision or application. The provisions of the ordinance are
 15 severable.
 16 (m) If a conflict exists between:
 17 (1) a map showing the boundaries of a district; and
 18 (2) a description of the boundaries of that district set forth in the
 19 ordinance;
 20 the district boundaries are the description of the boundaries set forth in
 21 the ordinance, not the boundaries shown on the map, to the extent there
 22 is a conflict between the description and the map.
 23 SECTION 32. IC 36-5-2-4.5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4.5. (a) This section
 25 applies to a town if both of the following apply:
 26 (1) The town has a population of more than ten thousand
 27 (10,000).
 28 (2) The town legislative body adopts an ordinance adopting the
 29 provisions of this section. A town may not adopt an ordinance
 30 under this section during a year in which municipal elections are
 31 held under IC 3-10-6-5.
 32 (b) A town legislative body has the following members:
 33 (1) Five (5) members, each elected by the voters of a district. The
 34 districts are established by ordinance by the town legislative body
 35 as provided in this chapter.
 36 (2) Two (2) members elected at large by all the voters of the 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 a
 40 year that municipal elections are held under IC 3-10-6-5.
 41 (2) Three (3) members of the legislative body are elected either:
 42 (A) during the year before the year described in subdivision



1 (1); or
 2 (B) during the year after the year described in subdivision (1).
 3 The year for elections under this subdivision must be chosen so
 4 that during the elections held for the town legislative body under
 5 subdivision (4), a member of the town legislative body does not
 6 serve a term of more than four (4) years.
 7 (3) The members of the legislative body elected at large may not
 8 be elected at the same time.
 9 (4) At the first two (2) elections after the ordinance is adopted,
 10 members are elected to serve the following terms:
 11 (A) Two (2) members elected under subdivision (1) are
 12 elected to a four (4) year term and two (2) members elected
 13 under subdivision (1) are elected to a three (3) year term.
 14 (B) Two (2) members elected under subdivision (2) are elected
 15 to a four (4) year term and one (1) member elected under
 16 subdivision (2) is elected to a three (3) year term.
 17 The ordinance must provide a random procedure to determine
 18 which members serve four (4) year terms and which members
 19 serve three (3) year terms.
 20 (5) A member of the town council elected after the elections
 21 described in subdivision (4) serves a term of four (4) years.
 22 (6) The term of office of a member begins at noon January 1 after
 23 the member's election.
 24 (d) An ordinance adopted under this section may provide that before
 25 the first election after adoption of the ordinance, members of the town
 26 legislative body added to the legislative body by the ordinance may be
 27 appointed to the legislative body by a vote of the current members of
 28 the legislative body.
 29 (e) After the first two (2) elections held as described in subsection
 30 (c)(4), the town legislative body may adopt an ordinance to do the
 31 following:
 32 (1) Divide the town into seven (7) districts.
 33 (2) Provide that the members elected at large are each elected
 34 from a district.
 35 An ordinance adopted under this subsection must comply with this
 36 chapter in establishing the districts and provide details to provide a
 37 transition from electing two (2) members at large to electing all
 38 members from districts.
 39 (f) Subject to this section, members of the town legislative body are
 40 elected as provided in ~~IC 3-10-6-4.5~~. **IC 3-10-6.**
 41 SECTION 33. IC 36-5-6-3, AS AMENDED BY P.L.109-2015,
 42 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2017]: Sec. 3. (a) The clerk-treasurer must reside within the
 2 town as provided in Article 6, Section 6 of the Constitution of the State
 3 of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer
 4 ceases to be a resident of the town.

5 (b) Except as provided in subsection (c), ~~(d)~~; ~~(e)~~; or ~~(f)~~; the term of
 6 office of the clerk-treasurer is four (4) years, beginning at noon January
 7 1 after election and continuing until a successor is elected and
 8 qualified.

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

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

12 (2) continues until noon January 1 following the next municipal
 13 election scheduled under IC 3-10-6-5 or IC 3-10-7-6 and until the
 14 clerk-treasurer's successor is elected and qualified.

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

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

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

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

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

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

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

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

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

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

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

