

HOUSE BILL No. 1053

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9-5; IC 3-10; IC 3-11; IC 3-11.7-1; IC 3-12; IC 3-13; IC 33-35-1; IC 36-1-2; IC 36-1.5-4-36; IC 36-3; IC 36-4; IC 36-5; IC 36-10-3-35.

Synopsis: Municipal elections. Moves elections of city and town officers to even-numbered years. Repeals superseded statutes.

Effective: July 1, 2020.

Saunders

January 16, 2020, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1053

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

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

- 1 SECTION 1. IC 3-5-1-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2020]: Sec. 2. The types of elections to which
3 this title applies are classified as follows:
4 (1) General election, which is conducted statewide on the first
5 Tuesday after the first Monday in November of each
6 even-numbered year.
7 (2) ~~Municipal election, in which the electorate of a municipality~~
8 ~~chooses by ballot public officials for the municipality or decides~~
9 ~~a public question lawfully submitted to the electorate of the~~
10 ~~municipality.~~
11 (3) (2) Primary election, which is conducted for the purpose of
12 choosing by ballot the following:
13 (A) The candidates who will be the nominees of a political
14 party for elected offices in a general ~~or municipal~~ election.
15 (B) The precinct committeemen of a political party.
16 (C) The delegates to a political party's state convention.
17 (4) (3) School district election, in which the electorate of a school



1 district chooses by ballot members of the school board.

2 ~~(5)~~ (4) Special election, which is conducted for a special purpose
3 as provided by law.

4 SECTION 2. IC 3-5-1-3 IS ADDED TO THE INDIANA CODE AS
5 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
6 2020]: **Sec. 3. (a) Whenever a statute in this title or IC 36 refers to
7 a primary election, the reference includes the 2023 primary
8 election to nominate candidates for municipal offices if, before July
9 1, 2020, the statute explicitly or by common understanding applied
10 to a municipal primary election.**

11 **(b) Whenever a statute in this title or IC 36 refers to a general
12 election, the reference includes the 2023 general election to elect
13 candidates for municipal offices if, before July 1, 2020, the statute
14 explicitly or by common understanding applied to a municipal
15 election.**

16 **(c) This section expires January 1, 2024.**

17 SECTION 3. IC 3-5-2-33 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2020]: Sec. 33. "Nominee" means a candidate:

- 19 (1) nominated by a political party at a primary election or
20 convention under this title as the party's candidate for an elected
21 office in a general ~~municipal~~, or special election; or
22 (2) nominated by petition for an elected office.

23 SECTION 4. IC 3-5-2-33.3 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2020]: **Sec. 33.3. "Nonpresidential election year" refers to an
26 even-numbered year that is not a presidential election year.**

27 SECTION 5. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
29 1, 2020]: **Sec. 40.4. "Presidential election year" refers to a year in
30 which an election for electors for President of the United States is
31 held.**

32 SECTION 6. IC 3-5-3-1 IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as provided in
34 sections 7 through 10 of this chapter, the county auditor shall pay the
35 expenses of voter registration and for all election supplies, equipment,
36 and expenses out of the county treasury in the manner provided by law.
37 The county fiscal body shall make the necessary appropriations for
38 these purposes.

39 (b) The county executive shall pay to the circuit court clerk or board
40 of registration the expenses of:

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



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

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

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

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

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

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

11 (d) **A municipality may be charged for wages of extra persons**
 12 **employed to provide additional assistance reasonably related to the**
 13 **municipal election. This subsection expires January 1, 2024.**

14 SECTION 7. IC 3-5-3-7 IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) All expenses for a municipal
 16 primary election or municipal election that is conducted by a county
 17 election board shall be allowed by the county executive and shall be
 18 paid out of the general fund of the county, without any appropriation
 19 being required. The county auditor shall certify the amount of that
 20 allowance to the fiscal officer of the municipality not later than thirty
 21 (30) days after the municipal primary or municipal election. The fiscal
 22 body of the municipality shall make the necessary appropriation to
 23 reimburse the county for the expense of the primary election or election
 24 not later than December 31 of the year in which the municipal election
 25 is conducted.

26 (b) **This section expires January 1, 2024.**

27 SECTION 8. IC 3-5-3-8, AS AMENDED BY P.L.74-2017,
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2020]: Sec. 8. (a) Except as provided in subsection (b), during
 30 the period that begins ninety (90) days before a municipal primary
 31 election and continues until the day after the following municipal
 32 election, all expenses of the primary election and election that cannot
 33 be chargeable directly to any municipality shall be apportioned as
 34 follows:

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

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

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

42 (c) This subsection applies to a county that is designated as a vote



1 center county under IC 3-11-18.1. During the period that begins ninety
 2 (90) days before a municipal primary election and continues until the
 3 day after the following municipal election, all expenses incurred by the
 4 county in conducting the municipal primary election and municipal
 5 election shall be apportioned among the municipalities in the county
 6 holding a municipal primary and municipal election.

7 **(d) This section expires January 1, 2024.**

8 SECTION 9. IC 3-5-3-9, AS AMENDED BY P.L.74-2017,
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2020]: Sec. 9. (a) Except as provided in subsections (c) and
 11 (d), whenever more than one (1) municipality in a county conducts a
 12 municipal primary election, the seventy-five percent (75%) of expenses
 13 that cannot be chargeable directly to any particular municipality under
 14 section 8 of this chapter shall be apportioned to each municipality in
 15 the same ratio that the number of voters who cast a ballot in the
 16 municipality at the municipal primary election bears to the total
 17 number of voters who cast a ballot in all of the municipalities in the
 18 county at that municipal primary election.

19 (b) Except as provided in subsections (c) and (d), whenever more
 20 than one (1) municipality in a county conducts a municipal election, the
 21 seventy-five percent (75%) of expenses that are not chargeable directly
 22 to any particular municipality under section 8 of this chapter must be
 23 apportioned to each municipality in the same ratio that the number of
 24 voters who cast a ballot in the municipality at the municipal election
 25 bears to the total number of voters who cast a ballot in all of the
 26 municipalities in the county that conducted a municipal election.

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

31 (d) This subsection:

- 32 (1) applies to a county designated as a vote center county under
 33 IC 3-11-18.1; and
 34 (2) does not apply to a town that has entered into an agreement
 35 with the county under IC 3-10-7-4 to pay the county a fixed
 36 amount for its municipal primary election and municipal election
 37 expenses.

38 All expenses incurred by the county in conducting the municipal
 39 primary election and municipal election shall be apportioned to each
 40 municipality in the same ratio that the number of voters who cast a
 41 ballot in the municipality at the municipal primary election or the
 42 municipal election bears to the total number of voters who cast a ballot



1 in all of the municipalities in the county at that municipal primary
2 election or municipal election.

3 **(e) This section expires January 1, 2024.**

4 SECTION 10. IC 3-5-3-10 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. **(a)** The county
6 election board shall, on a form prescribed under IC 3-6-4.1-14, itemize
7 all the expenses of any election for which a municipality is required to
8 reimburse the county.

9 **(b) This section expires January 1, 2024.**

10 SECTION 11. IC 3-5-3-11 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. **(a)** Notwithstanding
12 section 7 of this chapter, in a year in which a town election coincides
13 with a general election, the county election board may not assess the
14 town for the cost of the election.

15 **(b) This section expires January 1, 2024.**

16 SECTION 12. IC 3-5-8-5, AS AMENDED BY P.L.278-2019,
17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2020]: Sec. 5. Not later than twenty-nine (29) days before a
19 primary ~~or~~ general ~~or municipal~~ election, the secretary of state shall
20 request Indiana news media to include a copy of the voter's bill of
21 rights as part of election coverage or in public service announcements.

22 SECTION 13. IC 3-6-4.2-14, AS AMENDED BY P.L.278-2019,
23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2020]: Sec. 14. **(a)** Each year in which a general ~~or municipal~~
25 election is held, the election division shall call a meeting of all the
26 members of the county election boards and the boards of registration
27 to instruct them regarding all of the following:

28 (1) Their duties under this title and federal law (including HAVA
29 and NVRA).

30 (2) Requirements and best practices concerning cybersecurity for
31 the computerized list, voting systems, and electronic poll books.

32 (3) Physical security for all aspects of the election process,
33 including voting systems, electronic poll books, absentee voting,
34 and polling places.

35 (4) Requirements and best practices to ensure that voting systems,
36 precinct polling places, and vote centers are accessible to voters
37 with disabilities.

38 **(b)** The election division may, but is not required to, call a meeting
39 under this section during a year in which a general ~~or a municipal~~
40 election is not held.

41 **(c)** Each circuit court clerk and each member of a board of
42 registration established under IC 3-7-12 shall attend a meeting called



1 by the election division under this section. A circuit court clerk or
 2 member of a board of registration may require the attendance of the
 3 following:

4 (1) Each of the circuit court clerk's or board of registration
 5 member's appointed and acting chief deputies or chief assistants
 6 with election related responsibilities.

7 (2) If the number of deputies or assistants:

8 (A) is not more than three (3), one (1) of the clerk's or
 9 member's appointed and acting deputies or assistants; or

10 (B) is greater than three (3), two (2) of the clerk's or member's
 11 appointed and acting deputies or assistants.

12 (d) The election division shall set the time and place of the
 13 instructional meeting. In years in which a primary election is held, the
 14 election division:

15 (1) may conduct the meeting before the first day of the year; and

16 (2) shall conduct the meeting before primary election day.

17 The instructional meeting may not last for more than two (2) days.

18 (e) Each individual required to attend the meeting under subsection
 19 (c) and an individual who has been elected or selected to serve as
 20 circuit court clerk but has not yet begun serving in that office is entitled
 21 to receive all of the following from the county general fund without
 22 appropriation:

23 (1) A per diem of twenty-four dollars (\$24) for attending the
 24 instructional meeting called by the election division under this
 25 section.

26 (2) A mileage allowance at the state rate for the distance
 27 necessarily traveled in going and returning from the place of the
 28 instructional meeting called by the election division under this
 29 section.

30 (3) Reimbursement for the payment of the instructional meeting
 31 registration fee.

32 (4) An allowance for lodging for each night preceding conference
 33 attendance equal to the lodging allowance provided to state
 34 employees in travel status.

35 SECTION 14. IC 3-6-5-13, AS AMENDED BY P.L.278-2019,
 36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2020]: Sec. 13. (a) Each county election board shall keep
 38 minutes of all meetings of the board, including a written record of the
 39 aye and nay vote of each member on all questions coming before the
 40 board.

41 (b) The circuit court clerk shall permanently retain the board
 42 minutes.



1 (c) After ballots are printed by the county for each primary, general,
 2 ~~municipal~~, or special election, the clerk shall retain one (1) regular
 3 official ballot from each township in the county and one (1) provisional
 4 ballot from any precinct in the county as part of the minutes.

5 SECTION 15. IC 3-6-5-14, AS AMENDED BY P.L.258-2013,
 6 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 14. (a) Each county election board, in addition to
 8 duties otherwise prescribed by law, shall do the following:

- 9 (1) Conduct all elections and administer the election laws within
 10 the county. ~~except as provided in IC 3-8-5 and IC 3-10-7 for town~~
 11 ~~conventions and municipal elections in certain small towns.~~
 12 (2) Prepare all ballots.
 13 (3) Distribute all ballots to all of the precincts in the county.

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

19 SECTION 16. IC 3-6-5-15, AS AMENDED BY P.L.74-2017,
 20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2020]: Sec. 15. (a) Except as provided in subsection (b), this
 22 section applies when an election is conducted in a political subdivision
 23 (as defined in IC 36-1-2-13 and other than a county) that contains
 24 territory in more than one (1) county.

- 25 (b) This section does not apply to an election:
 26 (1) conducted at the same time as a primary or general election
 27 during an even-numbered year; or
 28 (2) conducted in a town by a town election board under IC 3-10-7.

29 (c) To the extent authorized by this section, the county election
 30 board of the county that contains the greatest percentage of population
 31 of the political subdivision shall conduct all elections for the political
 32 subdivision. The county election board may designate polling places
 33 for the election, which may be located in any county in which the
 34 political subdivision is located, and shall appoint precinct election
 35 officers to conduct the election upon nomination by the county
 36 chairman of the county where the precinct is located, or by filling a
 37 vacancy if a nomination is not timely made. However, each county
 38 election board shall provide poll lists for voters, receive and approve
 39 absentee ballot applications, issue certificates of error or other
 40 documents for the voters of that county, print ballots for the municipal
 41 or special election, and conduct activity required to canvass the votes
 42 under IC 3-12-5-2(b).



1 **(d) This section expires January 1, 2024.**

2 SECTION 17. IC 3-6-5-17 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) Each county
4 election board shall submit a report to the election division after each
5 primary, special, ~~municipal~~, and general election describing the
6 activities of the board during the previous year. The board shall include
7 the following in the report:

8 (1) Information relating to the expenses of office maintenance and
9 elections within the county or political subdivisions within the
10 county.

11 (2) A copy of the statement of the county election board
12 containing the votes cast for each candidate and on each public
13 question in each precinct at the last election preceding the
14 submission of the report.

15 (3) Any additional information relating to elections that the
16 commission prescribes.

17 (b) The report described in subsection (a) must be postmarked, hand
18 delivered, or transmitted to the election division using the
19 computerized list under IC 3-7-26.3 not later than fourteen (14) days
20 after each election.

21 (c) The election division shall send a copy of each report to the
22 office not later than ten (10) days after receiving the report.

23 SECTION 18. IC 3-6-5-28 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 28. (a) The sheriff of
25 a county, for a general election, ~~and the chief law enforcement officer~~
26 ~~of a municipality, for a municipal election,~~ shall serve all processes
27 issued by a county election board.

28 **(b) The chief law enforcement officer of a municipality shall**
29 **serve all processes issued by a county election board for the 2023**
30 **municipal election. This subsection expires January 1, 2024.**

31 SECTION 19. IC 3-6-5-33 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 33. ~~The county sheriff,~~
33 ~~the chief law enforcement officer of a municipality within the county,~~
34 ~~and other~~ All law enforcement officers shall assist a county election
35 board, upon request, in the enforcement of the election laws and the
36 discharge of its duties, including the use of police radio and telephone
37 service on election days.

38 SECTION 20. IC 3-6-6-27 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) **Except as**
40 **provided in subsection (b),** the county executive shall fix the
41 compensation paid under sections 25 and 26 of this chapter for all
42 elections. ~~except municipal elections held by towns under IC 3-10-7.~~



1 **(b) This subsection applies to municipal elections held in 2023.**
 2 The fiscal body of a town holding a municipal election under IC 3-10-7
 3 shall fix the compensation paid under sections 25 and 26 of this
 4 chapter. **This subsection expires January 1, 2024.**

5 SECTION 21. IC 3-6-8-4, AS AMENDED BY P.L.169-2015,
 6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 4. A watcher appointed under this chapter is
 8 entitled to do the following:

9 (1) Enter the polls at least thirty (30) minutes before the opening
 10 of the polls and remain there throughout election day until all
 11 tabulations have been completed.

12 (2) Inspect the paper ballot boxes, ballot card voting system, or
 13 electronic voting system before votes have been cast.

14 (3) Inspect the work being done by any precinct election officer
 15 (except when a precinct election officer enters a confidential login
 16 or password to obtain access to an electronic poll book or to
 17 operate a voting system).

18 (4) Enter, leave, and reenter the polls at any time on election day.

19 (5) Witness the calling and recording of the votes and any other
 20 proceedings of the precinct election officers in the performance
 21 of official duties.

22 (6) Receive a summary of the vote prepared under IC 3-12-2-15,
 23 IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the
 24 precinct election board, providing:

25 (A) the names of all candidates of the political party whose
 26 primary election is being observed by the watcher and the
 27 number of votes cast for each candidate;

28 (B) the names of all candidates at a general ~~municipal~~, or
 29 special election and the number of votes cast for each
 30 candidate; or

31 (C) the vote cast for or against a public question.

32 (7) Accompany the inspector and judge in delivering the
 33 tabulation and election returns to the county election board by the
 34 most direct route.

35 (8) Be present when the inspector takes a receipt for the
 36 tabulation and election returns delivered to the county election
 37 board.

38 (9) Call upon the election sheriffs to make arrests.

39 SECTION 22. IC 3-6-9-1 IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) If:

41 (1) twenty-six percent (26%) or more of all candidates of a
 42 political party who are candidates for:



1 (A) nomination to elected offices at a ~~county~~ primary election,
 2 (or ~~municipal primary election within the municipality in~~
 3 ~~which the municipal primary is to be conducted~~); not including
 4 candidates for delegates to the state convention or candidates
 5 for precinct committeemen; or
 6 (B) precinct committeemen at an election for precinct
 7 committeemen, whose names are certified to the county
 8 election board as candidates to be voted for at the primary
 9 election for precinct committeemen; or
 10 (2) any candidate or group of candidates for a school board office;
 11 desire to have watchers at the polls in any precinct, ~~of the county or~~
 12 ~~municipality~~; they shall sign a written statement indicating their desire
 13 to name watchers.
 14 (b) If the candidates signing the statement are candidates for
 15 nomination at a ~~county~~ primary election or for election as precinct
 16 committeemen or to a school board office, the written statement shall
 17 be filed with the circuit court clerk of the county where the candidates
 18 reside.
 19 (c) If the candidates signing the statement are candidates for
 20 nomination at a municipal primary election, the written statement shall
 21 be filed with the circuit court clerk of the county that contains the
 22 greatest percentage of the population of the election district. **This**
 23 **subsection expires January 1, 2024.**
 24 SECTION 23. IC 3-6-9-4 IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) An attorney-in-fact
 26 designated under section 2 of this chapter shall file with the circuit
 27 court clerk the names of the voters of the county ~~or municipality~~ who
 28 are to act as watchers in the precincts designated in the written
 29 statement.
 30 (b) The attorney-in-fact may certify watchers from voters of the
 31 county ~~or municipality~~ without regard to precinct boundary lines.
 32 (c) A watcher designated under this section:
 33 (1) may not be a candidate to be voted for at the election, except
 34 as an unopposed candidate for precinct committeeman or state
 35 convention delegate; and
 36 (2) must be a registered voter of the county.
 37 SECTION 24. IC 3-7-12-27, AS AMENDED BY P.L.169-2015,
 38 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2020]: Sec. 27. (a) The circuit court clerk (or in a county with
 40 a board of registration, the members of the board of registration) shall,
 41 not later than noon seventy-seven (77) days before each general ~~or~~
 42 primary ~~or municipal~~ election, file an affidavit under affirmation with



1 the election division.

2 (b) The affidavit must be on a form prescribed by the election

3 division and must state that the county voter registration office has:

4 (1) conducted the voter list maintenance program under this

5 article; and

6 (2) canceled the registrations required under the voter list

7 maintenance program.

8 SECTION 25. IC 3-7-13-1 IS AMENDED TO READ AS

9 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who:

10 (1) will be at least eighteen (18) years of age at the next general

11 ~~municipal~~; or special election;

12 (2) is a United States citizen; and

13 (3) resides in a precinct continuously before a general ~~municipal~~;

14 or special election for at least thirty (30) days;

15 may, upon making a proper application under this article, register to

16 vote in that precinct.

17 **(b) This subsection applies to the 2023 municipal election. A**

18 **person who:**

19 **(1) will be at least eighteen (18) years of age on November 7,**

20 **2023;**

21 **(2) is a United States citizen; and**

22 **(3) resides in a precinct continuously before November 7,**

23 **2023, for at least thirty (30) days;**

24 **may, upon making a proper application under this article, register**

25 **to vote in that precinct at the November 7 municipal election. This**

26 **subsection expires January 1, 2024.**

27 SECTION 26. IC 3-7-13-2 IS AMENDED TO READ AS

28 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A person who ~~on the~~

29 ~~day of the next general; municipal; or special election;~~ will meet the

30 age and residency requirements of section 1 of this chapter may register

31 and vote in the primary election.

32 SECTION 27. IC 3-7-13-3, AS AMENDED BY P.L.6-2015,

33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

34 JULY 1, 2020]: Sec. 3. (a) This section applies to a person who:

35 (1) ~~on the day of the next general; municipal; or special election;~~

36 will meet the age and residency requirements of section 1 of this

37 chapter; and

38 (2) does not meet the age or residency requirements on primary

39 election day.

40 (b) A person described in subsection (a) may not cast a ballot:

41 (1) for candidates for elected offices; or

42 (2) on public questions;



1 to be voted on at the same time that the primary election is conducted.

2 SECTION 28. IC 3-7-13-10, AS AMENDED BY P.L.74-2017,
3 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 10. (a) After a general ~~or municipal~~ election is
5 conducted, the registration period resumes on the following December
6 1 (or the first Monday in December if December 1 falls on a Saturday
7 or Sunday).

8 (b) Except as provided in IC 3-7-36 for absent uniformed services
9 voters and overseas voters, the registration period continues through
10 the twenty-ninth day before the date a primary election is scheduled
11 under this title.

12 (c) Except as provided in IC 3-7-36 for absent uniformed services
13 voters and overseas voters, the registration period resumes fourteen
14 (14) days after primary election day and continues through the
15 twenty-ninth day before the date a general ~~or municipal~~ election is
16 scheduled under this article.

17 (d) This subsection applies in each precinct in which a special
18 election ~~municipal primary election, or municipal election~~ is to be
19 conducted. Except as provided in IC 3-7-36 for absent uniformed
20 services voters and overseas voters, the registration period ceases in
21 that precinct on the twenty-ninth day before a special election
22 ~~municipal primary election, or municipal election~~ is conducted and
23 resumes fourteen (14) days after the special election ~~municipal primary~~
24 ~~election, or municipal election~~ occurs.

25 SECTION 29. IC 3-7-14-10 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. If an individual is
27 registering to vote after the twenty-ninth day before the date that a
28 primary, general, ~~municipal~~, or special election is scheduled in the
29 precinct where the voter resides, the employee of the bureau of motor
30 vehicles commission who provides an individual with a driver's license
31 or an identification card application shall do the following:

- 32 (1) Inform the individual that license branch registration will not
33 permit the individual to vote in the next election.
- 34 (2) Inform the individual of other procedures the individual may
35 follow to vote in the next election.

36 SECTION 30. IC 3-7-15-10 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. If an individual is
38 registering to vote after the twenty-ninth day before the date that a
39 primary, general, ~~municipal~~, or special election is scheduled in the
40 precinct where the voter resides, the employee of the office who
41 provides an individual with an application for assistance or services
42 under section 3 of this chapter shall do the following:



1 (1) Inform the individual that office registration will not permit
2 the individual to vote in the next election.

3 (2) Inform the individual of other procedures the individual may
4 follow to vote in the next election.

5 SECTION 31. IC 3-7-16-17 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. If an individual is
7 registering to vote after the twenty-ninth day before the date that a
8 primary, general, ~~municipal~~, or special election is scheduled in the
9 precinct where the voter resides, the employee or a volunteer of the
10 office who provides an individual with an application for assistance or
11 services under this chapter shall do the following:

12 (1) Inform the individual that office registration will not permit
13 the individual to vote in the next election.

14 (2) Inform the individual of other procedures the individual may
15 follow to vote in the next election.

16 SECTION 32. IC 3-7-16-33 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 33. The NVRA official
18 shall notify the governing body of the agency of the following:

19 (1) The scheduled date of each primary, general, ~~municipal~~, and
20 special election.

21 (2) The jurisdiction in which the election will be held.

22 SECTION 33. IC 3-7-18-9 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. If an individual is
24 registering to vote after the twenty-ninth day before the date that a
25 primary, general, ~~municipal~~, or special election is scheduled in the
26 precinct where the voter resides, the employee or volunteer of the
27 office who provides an individual with an application for assistance or
28 services under this chapter shall do the following:

29 (1) Inform the individual that office registration will not permit
30 the individual to vote in the next election.

31 (2) Inform the individual of other procedures the individual may
32 follow to vote in the next election.

33 SECTION 34. IC 3-7-18-24 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 24. The NVRA official
35 shall notify the governing body of the agency of the following:

36 (1) The scheduled date of each primary, general, ~~municipal~~, and
37 special election.

38 (2) The jurisdiction in which the election will be held.

39 SECTION 35. IC 3-7-27-17 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. **(a)** The registration
41 record used at any municipal primary or municipal election is that part
42 of the registration record of the county in which the municipality is



- 1 located.
- 2 **(b) This section expires January 1, 2024.**
- 3 SECTION 36. IC 3-7-28-2, AS AMENDED BY P.L.258-2013,
 4 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2020]: Sec. 2. (a) This section does not apply to confidential
 6 information included on a voter registration application.
- 7 (b) A report containing information regarding all registration
 8 applications executed under this article during that part of a registration
 9 period ending sixty-five (65) days before a primary ~~or~~ general ~~or~~
 10 ~~municipal~~ election shall be forwarded not later than sixty (60) days
 11 before the election to the following upon request:
- 12 (1) Each of the county chairmen of the major political parties of
 13 the county.
- 14 (2) The chairman of the following:
- 15 (A) A bona fide political party that has at least one (1)
 16 candidate on the ballot of the election.
- 17 (B) An independent candidate's committee if the candidate is
 18 on the ballot at the election.
- 19 SECTION 37. IC 3-7-28-3, AS AMENDED BY P.L.258-2013,
 20 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2020]: Sec. 3. (a) This section does not apply to confidential
 22 information included on a voter registration application.
- 23 (b) A report containing information regarding all registration
 24 applications executed under this article during that part of a registration
 25 period beginning sixty-five (65) days before a primary ~~or~~ general ~~or~~
 26 ~~municipal~~ election and ending twenty-nine (29) days before the
 27 election shall be forwarded daily and within forty-eight (48) hours of
 28 the date on which the report was originally made to the following upon
 29 request:
- 30 (1) Each of the county chairmen of the major political parties of
 31 the county.
- 32 (2) The chairman of the following:
- 33 (A) A bona fide political party that has at least one (1)
 34 candidate on the ballot of the election.
- 35 (B) An independent candidate's committee if the candidate is
 36 on the ballot at the election.
- 37 SECTION 38. IC 3-7-28-14, AS AMENDED BY P.L.219-2013,
 38 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2020]: Sec. 14. (a) Each county voter registration office shall
 40 provide a list of the names and addresses of all voters whose
 41 registrations have been canceled under this article to the following
 42 upon request:



- 1 (1) The county chairmen of the major political parties of the
- 2 county.
- 3 (2) The chairman of the following:
- 4 (A) A bona fide political party of the county.
- 5 (B) An independent candidate's committee participating in a
- 6 primary ~~or~~ general ~~or~~ municipal election.
- 7 Upon request the county voter registration office shall report
- 8 cancellations daily and within forty-eight (48) hours after the day on
- 9 which the cancellations were made, until election day.
- 10 (b) A request filed under this section may state that the list is to
- 11 include only cancellations made by the county voter registration office
- 12 within a period specified in the request.
- 13 SECTION 39. IC 3-7-38.2-2, AS AMENDED BY P.L.157-2019,
- 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2020]: Sec. 2. (a) A voter list maintenance program conducted
- 16 under this chapter must:
- 17 (1) be uniform, nondiscriminatory, and in compliance with the
- 18 Voting Rights Act of 1965 (52 U.S.C. 10101);
- 19 (2) not result in the removal of the name of a person from the
- 20 official list of voters solely due to the person's failure to vote; and
- 21 (3) be completed not later than ninety (90) days before a primary
- 22 ~~or~~ general ~~or~~ municipal election.
- 23 (b) A county voter registration office may conduct a voter list
- 24 maintenance program that complies with subsection (a). In conducting
- 25 a voter list maintenance program, the county voter registration office
- 26 shall mail a notice described in subsection (d) to each voter whose
- 27 registration has not previously been canceled or designated as inactive
- 28 under this chapter at the mailing address:
- 29 (1) listed in the voter's registration record; and
- 30 (2) determined by the county voter registration office not to be the
- 31 voter's current residence address.
- 32 (c) A county voter registration office may use information only from
- 33 the following sources to make the determination under subsection
- 34 (b)(2):
- 35 (1) The United States Postal Service National Change of Address
- 36 Service.
- 37 (2) A court regarding jury duty notices returned because of an
- 38 unknown or insufficient address.
- 39 (3) The return of a mailing sent by the county voter registration
- 40 office to all active voters (as defined in IC 3-11-18.1-2) in the
- 41 county because of an unknown or insufficient address.
- 42 (4) The bureau of motor vehicles concerning the surrender of a



- 1 voter's Indiana license for the operation of a motor vehicle to
 2 another jurisdiction.
- 3 (5) The return by the United States Postal Service after the
 4 expiration of the seven (7) day pending period of a notice
 5 regarding the disposition of a voter registration application under
 6 IC 3-7-33-5 because of an unknown or insufficient address.
- 7 (6) The return of a mailing sent to voters of a precinct advising
 8 voters of a change of precinct boundary or the precinct polling
 9 place because of an unknown or insufficient address, if the county
 10 sends a similar mailing to the voters of each precinct when a
 11 boundary or polling place is changed.
- 12 (7) Information received from the election division under section
 13 5 of this chapter or section 16 of this chapter.
- 14 (8) A declination to register by the voter stating that the voter
 15 resides at an address different from the address on the voter's
 16 registration record.
- 17 (d) The notice described in subsection (b) must:
- 18 (1) be sent by first class United States mail, postage prepaid, by
 19 a method that requires the notice to be forwarded to the voter; and
 20 (2) include a postage prepaid return card that:
- 21 (A) is addressed to the county voter registration office;
- 22 (B) states a date (which must be at least thirty (30) days after
 23 the date the notice is mailed) by which the card must be
 24 returned or the voter's registration will become inactive until
 25 the information is provided to the county voter registration
 26 office; and
- 27 (C) permits the voter to provide the voter's current residence
 28 address.
- 29 (e) If a voter returns the card described in subsection (d)(2) and
 30 provides a current residence address that establishes that the voter
 31 resides:
- 32 (1) in the county, the county voter registration office shall update
 33 the voter's registration record; or
- 34 (2) outside the county, the county voter registration office shall
 35 cancel the voter's registration.
- 36 (f) If a card is returned as undeliverable due to an unknown or
 37 insufficient address by the United States Postal Service after the date
 38 specified in subsection (d)(2)(B), the county voter registration office
 39 shall, when registration reopens after the next primary ~~or~~ general ~~or~~
 40 municipal election, determine whether the voter voted or appeared to
 41 vote from the address set forth in the registration record at any election
 42 occurring after the final day for completing voter list maintenance



1 activities, and if not, then designate the voter as inactive.

2 (g) If a voter does not return the card described in subsection (d)(2)
3 by the date specified in subsection (d)(2)(B), the county voter
4 registration office shall indicate in the voter's registration record that
5 the voter's registration is inactive.

6 (h) A voter's registration that becomes inactive under subsection (f)
7 or (g) remains in inactive status from the date described in subsection
8 (d)(2)(B) until the earlier of the following:

9 (1) The date the county voter registration office updates or
10 cancels the voter's registration under subsection (e) after the voter
11 provides a current residence address.

12 (2) The day after the second general election in which the voter
13 has not voted or appeared to vote.

14 (i) After the date described in subsection (h)(2), the county voter
15 registration office shall remove the voter's registration from the voter
16 registration records.

17 SECTION 40. IC 3-7-38.2-3, AS AMENDED BY P.L.128-2015,
18 SECTION 121, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2020]: Sec. 3. As provided under 52 U.S.C.
20 20507(c)(2)(B)(i), this chapter does not prevent the removal of a voter's
21 name from the voter registration record during the final ninety (90) day
22 period before a primary ~~or~~ general ~~or~~ municipal election due to any of
23 the following in accordance with this article:

24 (1) The written request of the voter.

25 (2) Disenfranchisement due to criminal conviction and
26 incarceration.

27 (3) The death of the voter.

28 SECTION 41. IC 3-7-38.2-17, AS AMENDED BY P.L.201-2017,
29 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2020]: Sec. 17. (a) If the mailing to a voter sent under section
31 16.1 of this chapter is returned by the United States Postal Service
32 because of an unknown or insufficient address, the NVRA official shall
33 mail a second notice to the voter. The notice must meet the following
34 requirements:

35 (1) Be sent by first class, United States mail, postage prepaid, by
36 a method that requires the notice to be forwarded to the voter.

37 (2) Include a postage prepaid return card that:

38 (A) is addressed to the NVRA official;

39 (B) states a date (which must be at least thirty (30) days after
40 the date the notice was mailed) by which the card must be
41 returned or the voter's registration will become inactive until
42 the information is provided to the county voter registration



- 1 office; and
 2 (C) permits the voter to provide the voter's current residence
 3 address.
 4 (b) If a voter returns the card described in subsection (a)(2) and
 5 provides a current residence address that establishes that the voter
 6 resides:
 7 (1) in the same county, the county voter registration office shall
 8 update the voter's registration record; or
 9 (2) outside the county, the county voter registration office shall
 10 cancel the voter's registration.
 11 (c) If a voter returns the card described in subsection (a)(2) with a
 12 request that the voter's registration record at an address be canceled, the
 13 county voter registration office shall proceed to cancel the registration
 14 under section 3 of this chapter.
 15 (d) If a card is returned not later than the date specified in
 16 subsection (a)(2)(B) as undeliverable because of an unknown or
 17 insufficient address, the county voter registration office shall designate
 18 the voter as inactive.
 19 (e) If a card is returned by the United States Postal Service after the
 20 date specified in subsection (a)(2)(B) as undeliverable because of an
 21 unknown or insufficient address, the county voter registration office
 22 shall, when registration reopens after the next primary ~~or~~ general ~~or~~
 23 ~~municipal~~ election, determine whether the voter voted or appeared to
 24 vote from the address set forth in the registration record at any election
 25 occurring after the final day for completing voter list maintenance
 26 activities, and if not, designate the voter as inactive.
 27 (f) If a voter does not return the card described in subsection (a)(2)
 28 by the date specified in subsection (a)(2)(B), the county voter
 29 registration office shall indicate in the voter's registration record that
 30 the voter's registration is inactive.
 31 (g) A voter's registration that becomes inactive under subsections
 32 (d) through (f) remains in inactive status from the date described in
 33 subsection (a)(2)(B) until the earlier of the following:
 34 (1) The date the county voter registration office updates or
 35 cancels the voter's registration under subsection (b) after the voter
 36 provides a current residence address.
 37 (2) The day after the second general election in which the voter
 38 has not voted or appeared to vote.
 39 (h) After the day described in subsection (g)(2), the county voter
 40 registration office shall remove the voter's registration from the voter
 41 registration records not later than thirty (30) days after the second
 42 general election following the date on which notices are mailed to a



1 voter under section 16.1 of this chapter.

2 SECTION 42. IC 3-8-1-1.7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.7. As used in this
4 chapter, "before the election" refers to a general ~~municipal~~, or special
5 election.

6 SECTION 43. IC 3-8-1-5.5 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.5. (a) Except as
8 provided in IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a
9 ticket, a person who:

10 (1) is defeated in a primary election;

11 (2) appears as a candidate for nomination at a convention and is
12 defeated;

13 (3) files a declaration of candidacy for nomination by a ~~county~~,
14 ~~city~~, or ~~town~~ convention and is defeated; or

15 (4) files a declaration of candidacy for nomination by a caucus
16 conducted under IC 3-13-1 or IC 3-13-2 and is defeated;

17 is not eligible to become a candidate for the same office in the next
18 general or ~~municipal~~ election.

19 (b) For the purposes of subsection (a):

20 (1) a candidate for an at-large seat on a fiscal body is considered
21 a candidate for the same office as a candidate for a district seat on
22 a fiscal body; and

23 (2) a candidate for United States representative from a district in
24 Indiana is considered a candidate for the same office as a
25 candidate for any other congressional district in Indiana.

26 (c) This section does not apply to a candidate who files a written
27 request for placement on the presidential primary ballot under IC 3-8-3.

28 SECTION 44. IC 3-8-2-2.5, AS AMENDED BY P.L.201-2017,
29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2020]: Sec. 2.5. (a) A person who desires to be a write-in
31 candidate for a federal, state, legislative, or local office or school board
32 office in a general ~~municipal~~, or school board election must file a
33 declaration of intent to be a write-in candidate with the officer with
34 whom declaration of candidacy must be filed under sections 5 and 6 of
35 this chapter.

36 (b) The declaration of intent to be a write-in candidate required
37 under subsection (a) must be signed before a person authorized to
38 administer oaths and must certify the following information:

39 (1) The candidate's name must be printed or typewritten as:

40 (A) the candidate wants the candidate's name to be certified;
41 and

42 (B) the candidate's name is permitted to appear under IC 3-5-7.



- 1 (2) A statement that the candidate is a registered voter and the
 2 location of the candidate's precinct and township (or ward, if
 3 applicable, and city or town), county, and state.
- 4 (3) The candidate's complete residence address, and if the
 5 candidate's mailing address is different from the residence
 6 address, the mailing address.
- 7 (4) The candidate's party affiliation or a statement that the
 8 candidate is an independent candidate (not affiliated with any
 9 party). The candidate may not claim affiliation with any political
 10 party described by IC 3-8-4-1.
- 11 (5) A statement of the candidate's intention to be a write-in
 12 candidate, the name of the office, including the district, and the
 13 date and type of election.
- 14 (6) If the candidate is a candidate for the office of President or
 15 Vice President of the United States, a statement declaring the
 16 names of the individuals who have consented and are eligible to
 17 be the candidate's candidates for presidential electors and each
 18 candidate for alternate presidential elector for each presidential
 19 elector.
- 20 (7) The following statements:
- 21 (A) A statement that the candidate has attached either of the
 22 following to the declaration:
- 23 (i) A copy of a statement of economic interests, file stamped
 24 by the office required to receive the statement of economic
 25 interests.
- 26 (ii) A receipt or photocopy of a receipt showing that a
 27 statement of economic interests has been filed.
- 28 This requirement does not apply to a candidate for a federal
 29 office.
- 30 (B) A statement that the candidate understands that if the
 31 candidate is elected to the office, the candidate may be
 32 required to obtain and file an individual surety bond before
 33 serving in the office. This requirement does not apply to a
 34 candidate for a federal office or legislative office.
- 35 (C) A statement that the candidate understands that if the
 36 candidate is elected to the office, the candidate may be
 37 required to successfully complete training or have attained
 38 certification related to service in an elected office. This
 39 requirement does not apply to a candidate for a federal office,
 40 state office, or legislative office.
- 41 (D) A statement that the candidate:
- 42 (i) is aware of the provisions of IC 3-9 regarding campaign



1 finance and the reporting of campaign contributions and
 2 expenditures; and

3 (ii) agrees to comply with the provisions of IC 3-9.

4 This requirement does not apply to a candidate for a federal
 5 office.

6 The candidate must separately initial each of the statements
 7 required by this subdivision.

8 (8) A statement as to whether the candidate has:

9 (A) been a candidate for state, legislative, or local office in a
 10 previous primary or general election; and

11 (B) filed all reports required by IC 3-9-5-10 for all previous
 12 candidacies.

13 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 14 candidate has filed a campaign finance statement of organization
 15 for the candidate's principal committee or is aware that the
 16 candidate may be required to file a campaign finance statement of
 17 organization not later than noon seven (7) days after the final date
 18 to file the declaration of intent to be a write-in candidate under
 19 section 4 of this chapter.

20 (10) If the candidate is subject to IC 3-9-1-5.5, a statement that
 21 the candidate is required to file a campaign finance statement of
 22 organization under IC 3-9 after the first of either of the following
 23 occurs:

24 (A) The candidate receives more than five hundred dollars
 25 (\$500) in contributions.

26 (B) The candidate makes more than five hundred dollars
 27 (\$500) in expenditures.

28 (11) A statement that the candidate complies with all
 29 requirements under the laws of Indiana to be a candidate for the
 30 above named office, including any applicable residency
 31 requirements, and that the candidate is not ineligible to be a
 32 candidate due to a criminal conviction that would prohibit the
 33 candidate from serving in the office.

34 (12) The candidate's signature and telephone number.

35 (c) At the time of filing the declaration of intent to be a write-in
 36 candidate, the write-in candidate is considered a candidate for all
 37 purposes.

38 (d) A write-in candidate must comply with the requirements under
 39 IC 3-8-1 that apply to the office to which the write-in candidate seeks
 40 election.

41 (e) A person may not be a write-in candidate in a contest for
 42 nomination or for election to a political party office.



1 (f) A write-in candidate for the office of President or Vice President
2 of the United States must list the following:

3 (1) The names of the write-in candidate's candidates for
4 presidential elector. A write-in candidate may not list more than
5 the total number of presidential electors to be chosen in Indiana
6 under this subdivision.

7 (2) The name of the write-in candidate's candidate for each
8 alternate presidential elector for each presidential elector.

9 (g) The election division shall provide that the form of a declaration
10 of intent to be a write-in candidate includes the following information:

11 (1) The dates for filing campaign finance reports under IC 3-9.

12 (2) The penalties for late filing of campaign finance reports under
13 IC 3-9.

14 (h) A declaration of intent to be a write-in candidate must include
15 a statement that the candidate requests the name on the candidate's
16 voter registration record be the same as the name the candidate uses on
17 the declaration of intent to be a write-in candidate. If there is a
18 difference between the name on the candidate's declaration of intent to
19 be a write-in candidate and the name on the candidate's voter
20 registration record, the officer with whom the declaration of intent to
21 be a write-in candidate is filed shall forward the information to the
22 voter registration officer of the appropriate county as required by
23 IC 3-5-7-6(e). The voter registration officer of the appropriate county
24 shall change the name on the candidate's voter registration record to be
25 the same as the name on the candidate's declaration of intent to be a
26 write-in candidate.

27 SECTION 45. IC 3-8-2-2.7, AS AMENDED BY P.L.219-2013,
28 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2020]: Sec. 2.7. (a) A candidate may withdraw a declaration
30 of intent to be a write-in candidate not later than noon July 15 before
31 a general or ~~municipal~~ election.

32 (b) This subsection applies to a candidate who filed a declaration of
33 intent to be a write-in candidate with the election division. The election
34 division shall issue a corrected certification of write-in candidates
35 under IC 3-8-7-30 as soon as practicable after a declaration is
36 withdrawn under this section.

37 SECTION 46. IC 3-8-2-4, AS AMENDED BY P.L.219-2013,
38 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2020]: Sec. 4. (a) A declaration of candidacy for a primary
40 election must be filed not later than noon eighty-eight (88) days and not
41 earlier than one hundred eighteen (118) days before the primary
42 election. The declaration must be subscribed and sworn to before a



- 1 person authorized to administer oaths.
- 2 (b) A declaration of intent to be a write-in candidate must be filed:
- 3 (1) not earlier than the first date specified in IC 3-8-6-10(b) for
- 4 the timely filing of a petition of nomination; and
- 5 (2) not later than noon on the date specified by IC 3-13-1-15(c)
- 6 for a major political party to file a certificate of candidate
- 7 selection.
- 8 The declaration must be subscribed and sworn to before a person
- 9 authorized to administer oaths.
- 10 (c) During a year in which a federal decennial census, federal
- 11 special census, special tabulation, or corrected population count
- 12 becomes effective under IC 1-1-3.5, a declaration of:
- 13 (1) candidacy may be filed for an office that will appear on the
- 14 primary election ballot; or
- 15 (2) intent to be a write-in candidate may be filed for an office that
- 16 will appear on the general ~~municipal~~, or school board election
- 17 ballot;
- 18 that year as a result of the new tabulation of population or corrected
- 19 population count.
- 20 SECTION 47. IC 3-8-2-7, AS AMENDED BY P.L.74-2017,
- 21 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2020]: Sec. 7. (a) The declaration of each candidate required
- 23 by this chapter must be signed before a person authorized to administer
- 24 oaths and contain the following information:
- 25 (1) The candidate's name, printed or typewritten as:
- 26 (A) the candidate wants the candidate's name to appear on the
- 27 ballot; and
- 28 (B) the candidate's name is permitted to appear on the ballot
- 29 under IC 3-5-7.
- 30 (2) A statement that the candidate is a registered voter and the
- 31 location of the candidate's precinct and township (or ward, if
- 32 applicable, and city or town), county, and state.
- 33 (3) The candidate's complete residence address, and if the
- 34 candidate's mailing address is different from the residence
- 35 address, the mailing address.
- 36 (4) A statement of the candidate's party affiliation. For purposes
- 37 of this subdivision, a candidate is considered to be affiliated with
- 38 a political party only if any of the following applies:
- 39 (A) The most recent primary election in Indiana in which the
- 40 candidate voted was a primary election held by the party with
- 41 which the candidate claims affiliation.
- 42 (B) The county chairman of:



- 1 (i) the political party with which the candidate claims
 2 affiliation; and
 3 (ii) the county in which the candidate resides;
 4 certifies that the candidate is a member of the political party.
 5 The declaration of candidacy must inform candidates how party
 6 affiliation is determined under this subdivision and permit the
 7 candidate to indicate on the declaration of candidacy which of
 8 clauses (A) or (B) applies to the candidate. If a candidate claims
 9 party affiliation under clause (B), the candidate must attach to the
 10 candidate's declaration of candidacy the written certification of
 11 the county chairman required by clause (B).
 12 (5) A statement that the candidate complies with all requirements
 13 under the laws of Indiana to be a candidate for the above named
 14 office, including any applicable residency requirements, and that
 15 the candidate is not ineligible to be a candidate due to a criminal
 16 conviction that would prohibit the candidate from serving in the
 17 office.
 18 (6) A request that the candidate's name be placed on the official
 19 primary ballot of that party to be voted on, the office for which the
 20 candidate is declaring, and the date of the primary election.
 21 (7) The following statements:
 22 (A) A statement that the candidate has attached either of the
 23 following to the declaration:
 24 (i) A copy of a statement of economic interests, file stamped
 25 by the office required to receive the statement of economic
 26 interests.
 27 (ii) A receipt or photocopy of a receipt showing that a
 28 statement of economic interests has been filed.
 29 This requirement does not apply to a candidate for a federal
 30 office.
 31 (B) A statement that the candidate understands that if the
 32 candidate is elected to the office, the candidate may be
 33 required to obtain and file an individual surety bond before
 34 serving in the office. This requirement does not apply to a
 35 candidate for a federal office or legislative office.
 36 (C) A statement that the candidate understands that if the
 37 candidate is elected to the office, the candidate may be
 38 required to successfully complete training or have attained
 39 certification related to service in an elected office. This
 40 requirement does not apply to a candidate for a federal office,
 41 state office, or legislative office.
 42 (D) A statement that the candidate:



1 (i) is aware of the provisions of IC 3-9 regarding campaign
 2 finance and the reporting of campaign contributions and
 3 expenditures; and

4 (ii) agrees to comply with the provisions of IC 3-9.

5 This requirement does not apply to a candidate for a federal
 6 office.

7 The candidate must separately initial each of the statements
 8 required by this subdivision.

9 (8) A statement as to whether the candidate has been a candidate
 10 for state, legislative, or local office in a previous primary,
 11 ~~municipal~~, special, or general election and whether the candidate
 12 has filed all reports required by IC 3-9-5-10 for all previous
 13 candidacies.

14 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 15 candidate has filed a campaign finance statement of organization
 16 for the candidate's principal committee or is aware that the
 17 candidate may be required to file a campaign finance statement of
 18 organization not later than noon seven (7) days after the final date
 19 to file the declaration of candidacy under section 4 of this chapter.

20 (10) The candidate's signature.

21 (b) The election division shall provide that the form of a declaration
 22 of candidacy includes the following information:

23 (1) The dates for filing campaign finance reports under IC 3-9.

24 (2) The penalties for late filing of campaign finance reports under
 25 IC 3-9.

26 (c) A declaration of candidacy must include a statement that the
 27 candidate requests the name on the candidate's voter registration record
 28 be the same as the name the candidate uses on the declaration of
 29 candidacy. If there is a difference between the name on the candidate's
 30 declaration of candidacy and the name on the candidate's voter
 31 registration record, the officer with whom the declaration of candidacy
 32 is filed shall forward the information to the voter registration officer of
 33 the appropriate county as required by IC 3-5-7-6(e). The voter
 34 registration officer of the appropriate county shall change the name on
 35 the candidate's voter registration record to be the same as the name on
 36 the candidate's declaration of candidacy.

37 SECTION 48. IC 3-8-2.5-2.5, AS AMENDED BY P.L.169-2015,
 38 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2020]: Sec. 2.5. (a) A petition of nomination for a school
 40 board office must state all of the following:

41 (1) The name of each candidate as:

42 (A) the candidate wants the candidate's name to appear on the



- 1 ballot; and
 2 (B) the candidate's name is permitted to appear on the ballot
 3 under IC 3-5-7.
 4 (2) The address of each candidate, including the mailing address,
 5 if different from the residence address of the candidate.
 6 (3) The school board office that each candidate seeks.
 7 (4) That each petitioner is a qualified registered voter and desires
 8 to be able to vote for the candidates listed on the petition.
 9 (b) The petition of nomination must be accompanied by the
 10 following:
 11 (1) The candidate's written consent to become a candidate.
 12 (2) A statement that the candidate:
 13 (A) is aware of the provisions of IC 3-9 regarding campaign
 14 finance and the reporting of campaign contributions and
 15 expenditures; and
 16 (B) agrees to comply with the provisions of IC 3-9 referred to
 17 in clause (A).
 18 (3) A statement by the candidate that the candidate is aware of the
 19 requirement to file a campaign finance statement of organization
 20 under IC 3-9 after the first of either of the following occurs:
 21 (A) The candidate receives more than five hundred dollars
 22 (\$500) in contributions.
 23 (B) The candidate makes more than five hundred dollars
 24 (\$500) in expenditures.
 25 (4) A statement indicating whether or not each candidate:
 26 (A) has been a candidate for state, legislative, local, or school
 27 board office in a previous primary, ~~municipal~~, special, or
 28 general election; and
 29 (B) has filed all reports required by IC 3-9-5-10 for all
 30 previous candidacies.
 31 (5) A statement that each candidate is legally qualified to hold the
 32 office that the candidate seeks, including any applicable residency
 33 requirements and restrictions on service due to a criminal
 34 conviction.
 35 (6) Any statement of economic interests required under IC 3-8-9.
 36 SECTION 49. IC 3-8-5-18 IS ADDED TO THE INDIANA CODE
 37 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 38 1, 2020]: **Sec. 18. This chapter expires January 1, 2024.**
 39 SECTION 50. IC 3-8-6-13.5, AS AMENDED BY P.L.219-2013,
 40 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2020]: Sec. 13.5. A candidate may withdraw a petition of
 42 nomination by noon:



1 (1) July 15 before a general ~~or municipal~~ election; or

2 (2) seventy-one (71) days before a special election.

3 SECTION 51. IC 3-8-6-14, AS AMENDED BY P.L.74-2017,
4 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2020]: Sec. 14. (a) A person may not be selected as a
6 candidate by petition of nomination without giving written consent and
7 having it filed with the public official with whom certificates and
8 petitions of nomination are required to be filed.

9 (b) Each candidate nominated by petition of nomination must satisfy
10 all statutory eligibility requirements for the office for which the
11 candidate is nominated, including the filing of statements of economic
12 interest.

13 (c) All questions concerning the validity of a petition of nomination
14 filed with the secretary of state or contesting the denial of certification
15 under section 12(d) of this chapter shall be referred to and determined
16 by the commission. A statement questioning the validity of a petition
17 of nomination or contesting the denial of certification under section
18 12(d) of this chapter must be filed with the election division under
19 IC 3-8-1-2(d) or IC 3-8-1-2(f) not later than noon seventy-four (74)
20 days before the date on which the general ~~or municipal~~ election will be
21 held for the office.

22 (d) All questions concerning the validity of a petition of nomination
23 filed with a circuit court clerk or contesting the denial of certification
24 under section 12(d) of this chapter shall be referred to and determined
25 by the county election board. A statement questioning the validity of a
26 petition of nomination or contesting the denial of certification under
27 section 12(d) of this chapter must be filed with the county election
28 board under IC 3-8-1-2(d) or IC 3-8-1-2(f) not later than noon
29 seventy-four (74) days before the date on which the general ~~or~~
30 ~~municipal~~ election will be held for the office.

31 (e) The commission or a county election board shall rule on the
32 validity of the petition of nomination or the denial of certification under
33 section 12(d) of this chapter not later than noon sixty (60) days before
34 the date on which the general ~~or municipal~~ election will be held for the
35 office.

36 SECTION 52. IC 3-8-7-25, AS AMENDED BY P.L.169-2015,
37 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2020]: Sec. 25. Each county election board shall have printed
39 on the respective general ~~or~~ special ~~or municipal~~ election ballots the
40 names of the following candidates:

41 (1) Nominees chosen at a primary election under IC 3-10 and
42 certified as required by this chapter.



1 (2) Nominees chosen by a convention of a political party in the
 2 state whose candidate received at least two percent (2%) of the
 3 total vote cast for secretary of state at the last election and
 4 certified under section 8 of this chapter.

5 (3) Nominees nominated by petition under IC 3-8-6.

6 (4) Nominees selected to fill a candidate vacancy under IC 3-13-1
 7 or IC 3-13-2.

8 SECTION 53. IC 3-8-7-28, AS AMENDED BY P.L.216-2015,
 9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2020]: Sec. 28. (a) Except as provided in subsections (b) and
 11 (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or
 12 IC 3-10-1 desires to withdraw as the nominee, the nominee must file a
 13 notice of withdrawal in writing with the public official with whom the
 14 certificate of nomination was filed **by not later than noon of the**
 15 **following, whichever is applicable:**

16 (1) July 15 before a general ~~or municipal~~ election.

17 (2) August 1 before a ~~municipal an~~ election in a town subject to
 18 IC 3-8-5-10.

19 (3) On the date specified for town convention nominees under
 20 IC 3-8-5-14.5.

21 (4) On the date specified for declared write-in candidates under
 22 IC 3-8-2-2.7.

23 (5) On the date specified for a school board candidate under
 24 IC 3-8-2.5-4. ~~or~~

25 (6) Forty-five (45) days before a special election.

26 (b) A candidate who is disqualified from being a candidate under
 27 IC 3-8-1-5 must file a notice of withdrawal immediately upon
 28 becoming disqualified. IC 3-8-8-7 and the filing requirements of
 29 subsection (a) do not apply to a notice of withdrawal filed under this
 30 subsection.

31 (c) A candidate who has moved from the election district the
 32 candidate sought to represent must file a notice of withdrawal
 33 immediately after changing the candidate's residence. IC 3-8-8-7 and
 34 the filing requirements of subsection (a) do not apply to a notice of
 35 withdrawal filed under this subsection.

36 SECTION 54. IC 3-9-5-6, AS AMENDED BY P.L.164-2006,
 37 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2020]: Sec. 6. (a) This subsection applies to a candidate's
 39 committee other than a candidate's committee of a candidate for a state
 40 office. Except as otherwise provided in this chapter, each committee,
 41 the committee's treasurer, and each candidate shall complete a report
 42 required by this chapter current and dated as of the following dates:



- 1 (1) Twenty-five (25) days before the nomination date.
- 2 (2) Twenty-five (25) days before the general ~~municipal~~, or special
3 election.
- 4 (3) The annual report filed and dated as required by section 10 of
5 this chapter.
- 6 (b) This subsection applies to a regular party committee. Except as
7 otherwise provided in this chapter, each committee and the committee's
8 treasurer shall complete a report required by this chapter current and
9 dated as of the following dates:
- 10 (1) Twenty-five (25) days before a primary election.
- 11 (2) Twenty-five (25) days before a general ~~municipal~~, or special
12 election.
- 13 (3) The date of the annual report filed and dated as required under
14 section 10 of this chapter.
- 15 (c) This subsection applies to a legislative caucus committee.
16 Except as otherwise provided in this chapter, each committee and the
17 committee's treasurer shall complete a report required under this
18 chapter current and dated as of the following dates:
- 19 (1) Twenty-five (25) days before a primary election conducted in
20 an even-numbered year.
- 21 (2) Twenty-five (25) days before a general election conducted in
22 an even-numbered year.
- 23 (3) The date of the annual report filed and dated as required under
24 section 10 of this chapter.
- 25 A legislative caucus committee is not required to file any report
26 concerning the committee's activity during an odd-numbered year other
27 than the annual report filed and dated under section 10 of this chapter.
- 28 (d) This subsection applies to a political action committee. Except
29 as otherwise provided in this chapter, each committee and the
30 committee's treasurer shall complete a report required by this chapter
31 current and dated as of the following dates:
- 32 (1) Twenty-five (25) days before a primary election.
- 33 (2) Twenty-five (25) days before a general ~~municipal~~, or special
34 election.
- 35 (3) The date of the annual report filed and dated as required under
36 section 10 of this chapter.
- 37 (e) This subsection applies to a candidate's committee of a candidate
38 for a state office. A candidate's committee is not required to file a
39 report under section 8.2, 8.4, or 8.5 of this chapter. For a year in which
40 an election to the state office is held, the treasurer of a candidate's
41 committee shall file the following reports:
- 42 (1) A report covering the period from January 1 through March 31



- 1 of the year of the report. A report required by this subdivision
 2 must be filed not later than noon April 15 of the year covered by
 3 the report.
- 4 (2) A report covering the period from April 1 through June 30 of
 5 the year of the report. A report required by this subdivision must
 6 be filed not later than noon July 15 of the year covered by the
 7 report.
- 8 (3) A report covering the period from July 1 through September
 9 30 of the year of the report. A report required by this subdivision
 10 must be filed not later than noon October 15 of the year covered
 11 by the report.
- 12 (4) A report covering the period from October 1 of the year of the
 13 report through the date that is fifteen (15) days before the date of
 14 the election. A report required by this subdivision must be filed
 15 not later than noon seven (7) days before the date of the election.
- 16 (5) A report covering the period from the date that is fourteen (14)
 17 days before the date of the election through December 31 of the
 18 year of the report. A report required by this subdivision must:
- 19 (A) provide cumulative totals from January 1 through
 20 December 31 of the year of the report; and
- 21 (B) be filed not later than the deadline specified in section 10
 22 of this chapter.
- 23 SECTION 55. IC 3-9-5-9, AS AMENDED BY P.L.221-2005,
 24 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2020]: Sec. 9. (a) Except as provided in subsections (b) and
 26 (c), in a year in which a candidate is not a candidate for election to an
 27 office to which this article applies or does not seek nomination at a
 28 caucus or state convention for election to an office to which this article
 29 applies, the treasurer of the candidate's committee shall file only the
 30 report required by section 10 of this chapter.
- 31 (b) This subsection applies to a candidate who holds one (1) office
 32 and is a candidate for a different office (or has filed a statement of
 33 organization for an exploratory committee without indicating that the
 34 individual is a candidate for a specific office). The treasurer of the
 35 candidate's committee for the office the candidate holds shall file the
 36 following reports:
- 37 (1) If the committee spends, transfers in, or transfers out at least
 38 ten thousand dollars (\$10,000) from January 1 until twenty-five
 39 (25) days before the primary election, the treasurer shall file a
 40 preprimary report under section 6 of this chapter.
- 41 (2) If the committee spends, transfers in, or transfers out at least
 42 ten thousand dollars (\$10,000) from twenty-five (25) days before



- 1 the primary election until twenty-five (25) days before the general
 2 election, the treasurer shall file a pregeneral election report under
 3 section 6 of this chapter.
- 4 (3) The report required under section 10 of this chapter.
- 5 (c) This subsection applies to a candidate who is required to file a
 6 preprimary report or preconvention report under section 6 of this
 7 chapter and who:
- 8 (1) is defeated at the primary election or convention; or
 9 (2) withdraws or is disqualified as a candidate before the general
 10 election.
- 11 The treasurer of a candidate's committee described by this subsection
 12 is not required to file a pregeneral election report under section 6 of
 13 this chapter but shall file the report required by section 10 of this
 14 chapter.
- 15 (d) This subsection applies to a candidate for election to a city office
 16 or a town office. If a ~~municipal~~ primary **to nominate candidates for**
 17 **municipal offices** is not conducted in the municipality by one (1) or
 18 more parties authorized to conduct a primary, the candidate must file
 19 a report in accordance with the schedule set forth in section 6 of this
 20 chapter as if the primary were conducted. If a ~~municipal~~ **general**
 21 **election to elect candidates for municipal offices** is not conducted in
 22 the municipality, the candidate must file a report in accordance with
 23 section 6 of this chapter as if the ~~municipal~~ election **for municipal**
 24 **offices** were conducted.
- 25 (e) This subsection applies to a candidate's committee of a candidate
 26 for a state office. For a year in which an election to the state office is
 27 not held, the treasurer of a candidate's committee shall file the
 28 following reports in addition to any other report required by this article:
- 29 (1) A report covering the period from January 1 through June 30
 30 of the year of the report. A report required by this subdivision
 31 must be filed not later than noon July 15 of the year covered by
 32 the report.
- 33 (2) A report covering the period from July 1 through December
 34 31 of the year of the report. A report required by this subdivision
 35 must:
- 36 (A) provide cumulative totals from January 1 through
 37 December 31 of the year of the report; and
 38 (B) be filed by the deadline specified in section 10 of this
 39 chapter.
- 40 SECTION 56. IC 3-9-5-20.1, AS AMENDED BY P.L.169-2015,
 41 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2020]: Sec. 20.1. (a) This section:



- 1 (1) applies only to a large contribution that is received by a
 2 candidate, the candidate's committee, or the treasurer of the
 3 candidate's committee; and
 4 (2) does not apply to a candidate for a state office, the candidate's
 5 committee, or the treasurer of the candidate's committee.
 6 (b) As used in this section, "election" refers to any of the following:
 7 (1) A primary election.
 8 (2) A general election.
 9 ~~(3) A municipal election.~~
 10 ~~(4) (3) A special election.~~
 11 ~~(5) (4) For candidates nominated at a state convention, the state~~
 12 ~~convention.~~
 13 (c) As used in this section, "large contribution" means contributions:
 14 (1) that total at least one thousand dollars (\$1,000); and
 15 (2) that are received:
 16 (A) not more than twenty-five (25) days before an election;
 17 and
 18 (B) not less than forty-eight (48) hours before an election.
 19 (d) The treasurer of a candidate's committee shall file a
 20 supplemental large contribution report with the election division or a
 21 county election board not later than forty-eight (48) hours after the
 22 contribution is received. A candidate for a legislative office shall file
 23 a report required by this section with the election division and the
 24 county election board as required by section 3 of this chapter. A report
 25 filed under this section may be filed by facsimile (fax) transmission.
 26 (e) A report required by subsection (d) must contain the following
 27 information for each large contribution:
 28 (1) The name of the person making the contribution.
 29 (2) The address of the person making the contribution.
 30 (3) If the person making the contribution is an individual, the
 31 individual's occupation.
 32 (4) The total amount of the contribution.
 33 (5) The dates and times the contributions making up the large
 34 contribution were received by the treasurer, the candidate, or the
 35 candidate's committee.
 36 (f) The election division shall prescribe the form for the report
 37 required by this section.
 38 SECTION 57. IC 3-10-1-1 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies
 40 only to primary elections that are held in general election years. It does
 41 not apply to municipal primary elections, which are covered by
 42 IC 3-10-6. **This section expires January 1, 2024.**



1 SECTION 58. IC 3-10-6-13 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2020]: **Sec. 13. This chapter expires January 1, 2024.**

4 SECTION 59. IC 3-10-7-36 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2020]: **Sec. 36. This chapter expires January 1, 2024.**

7 SECTION 60. IC 3-10-7.5 IS ADDED TO THE INDIANA CODE
 8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2020]:

10 **Chapter 7.5. Elections for Municipal Offices**

11 **Sec. 1. This chapter applies to an election to a municipal office**
 12 **held after December 31, 2023.**

13 **Sec. 2. (a) Except as provided in section 3 of this chapter, the**
 14 **successor of an individual elected to a municipal office at the 2023**
 15 **municipal election shall:**

- 16 (1) be elected at the 2026 general election; and
 17 (2) take office January 1, 2027.

18 **(b) The successors of an individual elected to a municipal office**
 19 **under subsection (a) shall:**

- 20 (1) be elected at the general election held in each
 21 nonpresidential election year;
 22 (2) take office the following January 1; and
 23 (3) serve a term of four (4) years.

24 **Sec. 3. (a) The successor of an individual elected as a judge of a**
 25 **city or town court at the 2023 municipal election shall:**

- 26 (1) be elected at the 2028 general election; and
 27 (2) take office January 1, 2029.

28 **(b) The successors of an individual elected as a judge of a city or**
 29 **town court under subsection (a) shall:**

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

34 **Sec. 4. The successors of an individual elected to a municipal**
 35 **office at the 2020 general election shall:**

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

40 **Sec. 5. The successors of an individual elected to a municipal**
 41 **office at the 2022 general election shall:**

- 42 (1) be elected at the general election held in each



- 1 nonpresidential election year;
2 (2) take office the following January 1; and
3 (3) serve a term of four (4) years.

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

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

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

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

- 14 (1) not qualified to conduct a primary election under this
15 article; and
16 (2) not required to nominate candidates by a petition of
17 nomination under IC 3-8-6.

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

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

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

33 **(e) A candidate's consent to the nomination must include a**
34 **statement that the candidate requests the name on the candidate's**
35 **voter registration record be the same as the name the candidate**
36 **uses on the consent to the nomination. If there is a difference**
37 **between the name on the candidate's consent to the nomination and**
38 **the name on the candidate's voter registration record, the officer**
39 **with whom the consent to the nomination is filed shall forward the**
40 **information to the county voter registration office of the**
41 **appropriate county as required by IC 3-5-7-6(e). The county voter**
42 **registration office of the appropriate county shall change the name**



1 on the candidate's voter registration record to be the same as the
2 name on the candidate's consent to the nomination.

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

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

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

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

14 (2) have the certificate of acknowledgment appended to the
15 notice; and

16 (3) be filed with the board not later than noon three (3) days
17 after the adjournment of the convention.

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

21 (1) A presidential election year, for municipal offices whose
22 terms expire after the end of the presidential election year.

23 (2) A nonpresidential election year, for municipal offices
24 whose terms expire after the end of the nonpresidential
25 election year.

26 **Sec. 10.** (a) In accordance with IC 3-11-1.5 and to the extent
27 applicable and feasible, the circuit court clerk, the county fiscal
28 body, the county executive, and the county election board of each
29 county in which there are voters who may vote for offices in a
30 municipality, but who live in a county adjacent to the county in
31 which the greatest percentage of the population of the municipality
32 resides, shall:

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

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

41 (b) The commission shall, if necessary, implement this section by
42 orders and rules. Local governments may use IC 36-1-7 for



1 **contractual agreements concerning the costs of services, supplies,**
 2 **and equipment required.**

3 SECTION 61. IC 3-10-9-3, AS AMENDED BY P.L.225-2011,
 4 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2020]: Sec. 3. If a local public question must be certified to an
 6 election board by law, that certification must occur ~~no~~ **not** later than
 7 noon:

8 (1) seventy-four (74) days before a primary election if the public
 9 question is to be placed on the primary ~~or municipal~~ **primary**
 10 election ballot; or

11 (2) August 1 if the public question is to be placed on the general
 12 ~~or municipal~~ election ballot.

13 SECTION 62. IC 3-10-11-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter:

15 (1) applies to a general, ~~municipal~~, primary, school district, and
 16 special election; and

17 (2) is enacted to implement Article 2, Section 2(c) of the
 18 Constitution of the State of Indiana.

19 SECTION 63. IC 3-10-11-4, AS AMENDED BY P.L.169-2015,
 20 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2020]: Sec. 4. (a) Notwithstanding other provisions of this
 22 title concerning residency requirements for voting, but subject to
 23 subsection (b), a person described in section 2 of this chapter may vote
 24 in the precinct of the person's former residence by executing an
 25 affidavit described in this chapter.

26 (b) A person who changes residence from a location:

27 (1) outside a municipality to a location within a municipality; or
 28 (2) within a municipality to a location outside a municipality;

29 less than thirty (30) days before a municipal primary election,
 30 municipal election, or special election held only within the
 31 municipality may not vote in the municipal primary election, municipal
 32 election, or special election held only within the municipality in the
 33 precinct of the person's former residence. **This subsection expires**
 34 **January 1, 2024.**

35 (c) This subsection applies to a county that has adopted an order
 36 under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1-1. A
 37 voter may make a written affirmation under this section on election day
 38 using the affidavit described by this section. If the voter makes an oral
 39 affirmation, the poll clerks shall reduce the substance of the affirmation
 40 to writing using the affidavit described by this section and initial the
 41 affirmation.

42 SECTION 64. IC 3-10-12-2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. This chapter applies
 2 to a general, ~~municipal~~, primary, school district, and special election.

3 SECTION 65. IC 3-10-12-3.4, AS AMENDED BY P.L.74-2017,
 4 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2020]: Sec. 3.4. (a) This section applies to a voter who:

6 (1) changes residence from a precinct in a county to another
 7 precinct:

8 (A) in the same county; and

9 (B) in the same congressional district;

10 as the former precinct; and

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

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

14 (1) correct the voter registration record; and

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

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

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

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

26 (1) municipal primary election;

27 (2) municipal election; or

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

29 may not vote in the municipal primary election, municipal election, or
 30 special election held only within the municipality in the precinct of the
 31 person's former residence. **This subsection expires January 1, 2024.**

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

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

38 (2) initial the affirmation.

39 SECTION 66. IC 3-11-1.5-11 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. The precincts
 41 established for a general ~~or municipal~~ election must be the same as the
 42 precincts established for the preceding primary election, except as



1 provided in section 12 of this chapter.

2 SECTION 67. IC 3-11-1.5-25 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 25. **(a)** A precinct
4 establishment order may not become effective during ~~the following~~
5 ~~periods:~~

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

10 ~~(2) (b)~~ For precincts located wholly or partially within a
11 municipality, **a precinct establishment order may not become**
12 **effective** after January 31 and before the day following municipal
13 election day, in a year in which a municipal election is held. **This**
14 **subsection expires January 1, 2024.**

15 SECTION 68. IC 3-11-1.5-31, AS AMENDED BY P.L.221-2005,
16 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2020]: Sec. 31. (a) This section applies to a proposed precinct
18 establishment order that requires that a hearing by the commission be
19 conducted under this chapter.

20 (b) After the election division has reviewed the proposed precinct
21 establishment order, and the order has been revised, if necessary, to
22 comply with this chapter, the commission shall:

23 (1) approve a proposed precinct establishment order under this
24 section not later than the following January 31; and

25 (2) order that the precinct establishment order takes effect January
26 31 of the year in which the municipal election will be held.

27 **(c) This section expires January 1, 2024.**

28 SECTION 69. IC 3-11-1.5-32 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 32. **(a)** The legislative
30 body of a municipality may not change the boundary of a district
31 established under:

32 (1) IC 36-3-4-3;

33 (2) IC 36-4-6-3;

34 (3) IC 36-4-6-4;

35 (4) IC 36-4-6-5;

36 (5) IC 36-5-1-10.1;

37 (6) IC 36-5-2-4.1; or

38 (7) IC 36-5-2-4.2;

39 after November 8 of the year preceding the year in which a municipal
40 election is to be held and before the day following the date on which
41 the municipal election is held except to assign territory to a municipal
42 legislative body district in an annexation ordinance.



1 **(b) This section expires January 1, 2024.**

2 SECTION 70. IC 3-11-1.5-33 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 33. (a) If the
4 boundaries of a municipality are extended before a municipal primary
5 election or a municipal election, and the territory within those
6 boundaries has not been included in precincts wholly within the
7 municipality, the voters within the extended boundaries may vote, if
8 otherwise qualified, in the municipal primary election or municipal
9 election.

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

15 **(c) This section expires January 1, 2024.**

16 SECTION 71. IC 3-11-3-29.4, AS AMENDED BY P.L.278-2019,
17 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2020]: Sec. 29.4. (a) This section applies to a candidate who
19 has filed with a circuit court clerk or board of elections and registration
20 as a candidate for:

- 21 (1) nomination in a primary ~~election or municipal primary~~
22 election; or
23 (2) election to a political party office in a primary election.

24 (b) If the county election board determines by unanimous vote of the
25 entire membership that there is good cause to believe that a candidate
26 has died, the board shall not print the name of the candidate on the
27 primary ballot.

28 (c) However, if the county election board has already printed ballots
29 containing the name of the deceased candidate, the county may provide
30 those ballots to voters and shall not reprint the ballot to remove the
31 name of the deceased candidate.

32 (d) A voter who has cast a ballot containing the name of a deceased
33 candidate is entitled to request a replacement absentee ballot under
34 IC 3-11.5-4-2.

35 (e) If a deceased candidate receives the most votes in a primary
36 election, a candidate vacancy occurs that the candidate's party may fill
37 under IC 3-13.

38 SECTION 72. IC 3-11-4-10 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. Each circuit court
40 clerk shall:

- 41 (1) not less than sixty (60) days before the date on which a
42 general ~~or primary or municipal~~ election is held; or



1 (2) not more than three (3) days after the date on which a special
 2 election is ordered;
 3 estimate the number of absentee ballots that will be required in the
 4 county for the election.

5 SECTION 73. IC 3-11-4-12.5, AS AMENDED BY P.L.128-2015,
 6 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2020]: Sec. 12.5. (a) This section applies to an
 8 absent uniformed services voter or overseas voter.

9 (b) If a voter makes a timely application for and does not receive an
 10 absentee ballot from a county election board, the voter may use a
 11 federal write-in absentee ballot in the form prescribed by the Federal
 12 Voting Assistance Program of the United States Department of Defense
 13 and in accordance with the requirements set forth in 52 U.S.C. 20303
 14 to cast a vote by mail, electronic mail, or fax for any of the following:

- 15 (1) Any candidate for nomination at a primary election.
 16 (2) Any candidate, political party, or public question on a general
 17 election ~~municipal election~~, or special election ballot.

18 (c) The voluntary waiver of confidentiality under section 6(h) of this
 19 chapter is not required for a federal write-in absentee ballot.

20 (d) When a county election board receives a federal write-in
 21 absentee ballot, the board shall process the ballot as prescribed by
 22 IC 3-11-10-1(b).

23 SECTION 74. IC 3-11-4-15, AS AMENDED BY P.L.66-2010,
 24 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2020]: Sec. 15. The absentee ballots that are prepared and
 26 printed under the direction of a county election board shall be delivered
 27 to the circuit court clerk (or the board acting under IC 3-6-5.2) at least
 28 fifty (50) days before a general, primary, ~~or special or municipal~~
 29 election.

30 SECTION 75. IC 3-11-8-10.3, AS AMENDED BY P.L.71-2019,
 31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2020]: Sec. 10.3. (a) A reference to an electronic poll list in
 33 a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is
 34 considered to be a reference to an electronic poll book (as defined by
 35 IC 3-5-2-20.5), unless otherwise expressly provided in the vote center
 36 plan.

37 (b) An electronic poll book must satisfy all of the following:

- 38 (1) An electronic poll book must be programmed so that the
 39 coordinated action of two (2) election officers who are not
 40 members of the same political party is necessary to access the
 41 electronic poll book.

42 (2) An electronic poll book may not be connected to a voting



- 1 system. However, the electronic poll book may be used in
 2 conjunction with a voting system if both of the following apply:
- 3 (A) The electronic poll book contains a device that must be
 4 physically removed from the electronic poll book by a person
 5 and the device is inserted into the voting system, with no
 6 hardware or software connection existing between the
 7 electronic poll book and the voting system.
- 8 (B) All data on the device is erased when the device is
 9 removed from the voting system and before the device is
 10 reinserted into an electronic poll book.
- 11 (3) An electronic poll book may not permit access to voter
 12 information other than:
- 13 (A) information provided on the certified list of voters
 14 prepared under IC 3-7-29-1; or
- 15 (B) information concerning any of the following received or
 16 issued after the electronic poll list has been downloaded by the
 17 county election board under IC 3-7-29-6:
- 18 (i) The county's receipt of an absentee ballot from the voter.
 19 (ii) The county's receipt of additional documentation
 20 provided by the voter to the county voter registration office.
 21 (iii) The county's issuance of a certificate of error.
- 22 (4) The information contained on an electronic poll book must be
 23 secure and placed on a dedicated, private server to secure
 24 connectivity between a precinct polling place or satellite absentee
 25 office and the county election board. The electronic poll book
 26 must have the capability of:
- 27 (A) storing (in external or internal memory) the current local
 28 version of the electronic poll list; and
- 29 (B) producing a list of audit records that reflect all of the
 30 idiosyncrasies of the system, including in-process audit
 31 records that set forth all transactions.
- 32 (5) The electronic poll book must permit a poll clerk to enter
 33 information regarding an individual who has appeared to vote to
 34 verify whether the individual is eligible to vote, and if so, whether
 35 the voter has:
- 36 (A) already received a ballot at the election;
 37 (B) returned an absentee ballot; or
 38 (C) submitted any additional documentation required under
 39 IC 3-7-33-4.5.
- 40 (6) After the voter has been provided with a ballot, the electronic
 41 poll book must permit a poll clerk to enter information indicating
 42 that the voter has received a ballot.



- 1 (7) The electronic poll book must transmit the information in
 2 subdivision (6) to the county server so that:
 3 (A) the server may transmit the information immediately to
 4 every other polling place or satellite absentee office in the
 5 county; or
 6 (B) the server makes the information immediately available to
 7 every other polling place or satellite office in the county.
- 8 (8) The electronic poll book must permit reports to be:
 9 (A) generated by a county election board for a watcher
 10 appointed under IC 3-6-8 at any time during election day; and
 11 (B) electronically transmitted by the county election board to
 12 a political party or independent candidate who has appointed
 13 a watcher under IC 3-6-8.
- 14 (9) On each day after absentee ballots are cast before an absentee
 15 voter board in the circuit court clerk's office, a satellite office, or
 16 a vote center, and after election day, the electronic poll book must
 17 permit voter history to be quickly and accurately uploaded into
 18 the computerized list (as defined in IC 3-7-26.3-2).
- 19 (10) The electronic poll book must be able to display an electronic
 20 image of the signature of a voter taken from:
 21 (A) the voter's registration application; or
 22 (B) a more recent signature of a voter from an absentee
 23 application, poll list, electronic poll book, or registration
 24 document.
- 25 (11) The electronic poll book must be used with a signature pad,
 26 tablet, or other signature capturing device that permits the voter
 27 to make an electronic signature for comparison with the signature
 28 displayed under subdivision (10). An image of the electronic
 29 signature made by the voter on the signature pad, tablet, or other
 30 signature capturing device must be retained and identified as the
 31 signature of the voter for the period required for retention under
 32 IC 3-10-1-31.1.
- 33 (12) The electronic poll book must include a bar code capturing
 34 device that:
 35 (A) permits a voter who presents an Indiana driver's license or
 36 a state identification card issued under IC 9-24-16 to scan the
 37 license or card through the bar code reader or tablet; and
 38 (B) has the capability to display the voter's registration record
 39 upon processing the information contained within the bar code
 40 on the license or card.
- 41 (13) A printer separate from the electronic poll book used in a
 42 vote center county may be programmed to print on the back of a



- 1 ballot card, immediately before the ballot card is delivered to the
 2 voter, the printed initials of the poll clerks captured through the
 3 electronic signature pad or tablet at the time the poll clerks log
 4 into the electronic poll book system.
- 5 (14) The electronic poll book must be compatible with:
- 6 (A) any hardware attached to the electronic poll book, such as
 7 signature capturing devices, bar code capturing devices, and
 8 network cards;
- 9 (B) the statewide voter registration system; and
- 10 (C) any software system used to prepare voter information to
 11 be included on the electronic poll book.
- 12 (15) The electronic poll book must have the ability to be used in
 13 conformity with this title for:
- 14 (A) any type of election conducted in Indiana; or
- 15 (B) any combination of elections held concurrently with a
 16 general election, ~~municipal election~~, primary election, or
 17 special election.
- 18 (16) The procedures for setting up, using, and shutting down an
 19 electronic poll book must be reasonably easy for a precinct
 20 election officer to learn, understand, and perform. A vendor shall
 21 provide sufficient training to election officials and poll workers
 22 to completely familiarize them with the operations essential for
 23 carrying out election activities. A vendor shall provide an
 24 assessment of learning goals achieved by the training in
 25 consultation with VSTOP (as described in IC 3-11-18.1-12).
- 26 (17) The electronic poll book must enable a precinct election
 27 officer to verify that the electronic poll book:
- 28 (A) has been set up correctly;
- 29 (B) is working correctly so as to verify the eligibility of the
 30 voter;
- 31 (C) is correctly recording that a voter received a ballot; and
- 32 (D) has been shut down correctly.
- 33 (18) The electronic poll book must include the following
 34 documentation:
- 35 (A) Plainly worded, complete, and detailed instructions
 36 sufficient for a precinct election officer to set up, use, and shut
 37 down the electronic poll book.
- 38 (B) Training materials that:
- 39 (i) may be in written or video form; and
- 40 (ii) must be in a format suitable for use at a polling place,
 41 such as simple "how to" guides.
- 42 (C) Failsafe data recovery procedures for information included



- 1 in the electronic poll book.
 2 (D) Usability tests:
 3 (i) that are conducted by the manufacturer of the electronic
 4 poll book or an independent testing facility using individuals
 5 who are representative of the general public;
 6 (ii) that include the setting up, using, and shutting down of
 7 the electronic poll book; and
 8 (iii) that report their results using industry standard reporting
 9 formats.
 10 (E) A clear model of the electronic poll book system
 11 architecture and the following documentation:
 12 (i) End user documentation.
 13 (ii) System-level and administrator level documentation.
 14 (iii) Developer documentation.
 15 (F) Detailed information concerning:
 16 (i) electronic poll book consumables; and
 17 (ii) the vendor's supply chain for those consumables.
 18 (G) Vendor internal quality assurance procedures and any
 19 internal or external test data and reports available to the
 20 vendor concerning the electronic poll book.
 21 (H) Repair and maintenance policies for the electronic poll
 22 book.
 23 (I) As of the date of the vendor's application for approval of
 24 the electronic poll book by the secretary of state as required by
 25 IC 3-11-18.1-12, the following:
 26 (i) A list of customers who are using or have previously used
 27 the vendor's electronic poll book.
 28 (ii) A description of any known anomalies involving the
 29 functioning of the electronic poll book, including how those
 30 anomalies were resolved.
 31 (19) The electronic poll book and any hardware attached to the
 32 electronic poll book must be designed to prevent injury or damage
 33 to any individual or the hardware, including fire and electrical
 34 hazards.
 35 (20) The electronic poll book must demonstrate that it correctly
 36 processes all activity regarding each voter registration record,
 37 including the use, alteration, storage, receipt, and transmittal of
 38 information that is part of the record. Compliance with this
 39 subdivision requires the mapping of the data life cycle of the voter
 40 registration record as processed by the electronic poll book.
 41 (21) The electronic poll book must successfully perform in
 42 accordance with all representations concerning functionality,



1 usability, security, accessibility, and sustainability made in the
 2 vendor's application for approval of the electronic poll book by
 3 the secretary of state as required by IC 3-11-18.1-12.

4 (22) The electronic poll book must have the capacity to transmit
 5 all information generated by the voter or poll clerk as part of the
 6 process of casting a ballot, including the time and date stamp
 7 indicating when the voter signed the electronic poll book, and the
 8 electronic signature of the voter, for retention on the dedicated
 9 private server approved by the county election board for the
 10 period required by Indiana and federal law.

11 (23) The electronic poll book must:

12 (A) permit a voter to check in and sign the electronic poll book
 13 even when there is a temporary interruption in connectivity to
 14 the Internet; and

15 (B) provide for the uploading of each signature so that the
 16 signature may be assigned to the voter's registration record.

17 (c) The county election board is responsible for the care and custody
 18 of all electronic poll books while not in use.

19 (d) The county election board is responsible for ensuring that all
 20 electronic poll books are dedicated devices to be used only for their
 21 intended purpose and for no other activity. Software that is not needed
 22 for the essential purpose of running the electronic poll book may not be
 23 installed on an electronic poll book.

24 SECTION 76. IC 3-11-10-26.3, AS AMENDED BY P.L.169-2015,
 25 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2020]: Sec. 26.3. (a) A county election board
 27 may adopt a resolution to authorize the circuit court clerk to establish
 28 satellite offices in the county where voters may cast absentee ballots
 29 before an absentee voter board.

30 (b) To be adopted under this section, a resolution must be adopted
 31 by the unanimous vote of the board's entire membership.

32 (c) A resolution adopted under this section must do the following:

33 (1) State the locations of the satellite offices.

34 (2) State the hours at which absentee voting may occur at the
 35 satellite offices.

36 (d) The resolution may contain other provisions the board considers
 37 useful.

38 (e) If a resolution is adopted under this section for a primary
 39 election, the locations of the satellite offices and the hours at which
 40 absentee voting may occur at the satellite offices established for the
 41 primary election must be used for the subsequent general or municipal
 42 election.



1 (f) If a resolution is adopted under this section, the procedure for
 2 casting an absentee ballot at a satellite office must, except as provided
 3 in this section, be substantially the same as the procedure for casting an
 4 absentee ballot in the office of the circuit court clerk under section 26
 5 of this chapter.

6 (g) A voter casting an absentee ballot under this section is entitled
 7 to cast the voter's ballot in accordance with IC 3-11-9.

8 (h) A satellite office established by a circuit court clerk under this
 9 section must comply with the polling place accessibility requirements
 10 of IC 3-11-8.

11 (i) A resolution adopted under this section expires January 1 of the
 12 year immediately after the year in which the resolution is adopted.

13 SECTION 77. IC 3-11-10-26.5, AS AMENDED BY P.L.278-2019,
 14 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2020]: Sec. 26.5. (a) This section applies to:

16 (1) ~~a~~ **the 2023** municipal election;

17 (2) ~~a~~ **the 2023** primary ~~conducted in a municipal election; year;~~
 18 and

19 (3) a special election conducted under IC 3-10-8.

20 (b) Notwithstanding section 26 of this chapter, a county election
 21 board (or a town election board acting under IC 3-10-7) may adopt a
 22 resolution by the unanimous vote of the board's entire membership
 23 stating that voters are entitled to vote by absentee ballot before an
 24 absentee voter board in the office of the circuit court clerk or town
 25 election board during specific days and hours identified in the
 26 resolution.

27 (c) If the election board adopts a resolution under subsection (b), the
 28 board must include written findings of fact in the resolution stating:

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

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

34 (3) that voters would experience little or no inconvenience by
 35 restricting absentee ballot voting in the office to the days and
 36 hours specified in the resolution.

37 SECTION 78. IC 3-11-11-10 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. If an election is a
 39 general ~~or municipal~~ election and a voter desires to vote for all the
 40 candidates of one (1) political party or group of petitioners, the voter
 41 may make a voting mark on or in a large circle enclosing the device
 42 and before the name under which the candidates of the party or group



1 of petitioners are printed. The voter's vote shall then be counted for all
 2 the candidates under that party name or for the two (2) candidates
 3 comprising an independent ticket.

4 SECTION 79. IC 3-11-11-10.5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.5. (a) At a primary
 6 election, a voter may not remain in the voting booth longer than three
 7 (3) minutes.

8 (b) At a general ~~municipal~~, or special election, a voter may not
 9 remain in the voting booth longer than two (2) minutes.

10 (c) If a voter refuses to leave the voting booth after the lapse of the
 11 time provided under subsection (a) or (b), the precinct election board,
 12 or the election sheriff or sheriffs upon the order of the board, shall
 13 immediately remove the voter from the booth.

14 SECTION 80. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
 15 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2020]: Sec. 31.7. (a) This section is enacted to comply with
 17 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
 18 standards to define what constitutes a vote on an optical scan voting
 19 system.

20 (b) After receiving ballot cards, a voter shall, without leaving the
 21 room, go alone into one (1) of the booths or compartments that is
 22 unoccupied and indicate:

23 (1) the candidates for whom the voter desires to vote by marking
 24 the connectable arrows, circles, ovals, or squares immediately
 25 beside:

26 (A) the candidates' names; or

27 (B) the numbers referring to the candidates; and

28 (2) the voter's preference on each public question by marking the
 29 connectable arrow, oval, or square beside:

30 (A) the word "yes" or "no" under the question; or

31 (B) the number referring to the word "yes" or "no" on the
 32 ballot.

33 (c) If an election is a general ~~or municipal~~ election and a voter
 34 desires to vote for all the candidates of one (1) political party or
 35 independent ticket (described in IC 3-11-2-6), the voter may mark:

36 (1) the circle enclosing the device; or

37 (2) the connectable arrow, circle, oval, or square described in
 38 section 11 of this chapter;

39 that designates the candidates of that political party or independent
 40 ticket (described in IC 3-11-2-6). Except as provided by
 41 IC 3-11-7-4(b), the voter's vote shall then be counted for all the
 42 candidates of that political party or included in the independent ticket



1 (described in IC 3-11-2-6). However, if the voter marks the circle,
 2 arrow, oval, or square of an independent ticket (described in
 3 IC 3-11-2-6), the vote shall not be counted for any other independent
 4 candidate on the ballot.

5 (d) This subsection applies to a voter casting a ballot on a voting
 6 system that includes features of both an optical scan ballot card voting
 7 system and a direct record electronic voting system. After entering into
 8 a booth used with the voting system, the voter shall indicate the
 9 candidates for whom the voter desires to vote and the voter's preference
 10 on each public question by:

11 (1) inserting a paper ballot or an optical scan ballot into the voting
 12 system; or

13 (2) using headphones to listen to a recorded list of political
 14 parties, candidates, and public questions.

15 (e) A voter using a voting system described in subsection (d) may
 16 indicate the voter's selections by:

17 (1) touching a device on or in the squares immediately adjacent
 18 to the name of a political party, candidate, or response to a public
 19 question; or

20 (2) indicating the voter's choices by using a sip puff device that
 21 enables the voter to indicate a choice by inhaling or exhaling.

22 SECTION 81. IC 3-11-13-32.5 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 32.5. (a) At a primary
 24 election, a voter may not remain in the voting booth or compartment
 25 longer than three (3) minutes.

26 (b) At a general ~~municipal~~, or special election, a voter may not
 27 remain in the voting booth or compartment longer than two (2)
 28 minutes.

29 (c) If a voter refuses to leave a voting booth or compartment after
 30 the lapse of the time provided under subsection (a) or (b), the precinct
 31 election board, or the election sheriff or sheriffs upon the order of the
 32 board, shall immediately remove the voter from the booth or
 33 compartment.

34 SECTION 82. IC 3-11-13-42 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 42. (a) If a county has
 36 procured ballot card voting systems for use, the ballot card voting
 37 systems may be used at a municipal election. If there are not sufficient
 38 ballot card voting systems on hand for each precinct of the
 39 municipality, the county election board shall determine in what
 40 precincts ballot card voting systems will be used at the election.

41 (b) **This section expires January 1, 2024.**

42 SECTION 83. IC 3-11-13-43 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 43. (a) If ballot card
 2 voting systems are used in a municipal election, the county election
 3 board shall furnish to the municipality:

- 4 (1) the requisite number of ballot card voting systems; and
 5 (2) all the furniture and appliances that go with the ballot card
 6 voting systems.

7 (b) However, the municipality shall pay the expenses of moving the
 8 ballot card voting systems and furniture to and from the polls and also
 9 for any damage or loss to the ballot card voting systems or furniture.

10 **(c) This section expires January 1, 2024.**

11 SECTION 84. IC 3-11-14-23, AS AMENDED BY P.L.21-2016,
 12 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2020]: Sec. 23. (a) This section is enacted to comply with 52
 14 U.S.C. 21081 by establishing uniform and nondiscriminatory standards
 15 to define what constitutes a vote on an electronic voting system.

16 (b) If a voter is not challenged by a member of the precinct election
 17 board, the voter may pass the railing to the side where an electronic
 18 voting system is and into the voting booth. There the voter shall
 19 register the voter's vote in secret by indicating:

- 20 (1) the candidates for whom the voter desires to vote by touching
 21 a device on or in the squares immediately above the candidates'
 22 names;
 23 (2) if the voter intends to cast a write-in vote, a write-in vote by
 24 touching a device on or in the square immediately below the
 25 candidates' names and printing the name of the candidate in the
 26 window provided for write-in voting; and
 27 (3) the voter's preference on each public question by touching a
 28 device above the word "yes" or "no" under the question.

29 (c) If an election is a general ~~or municipal~~ election and a voter
 30 desires to vote for all the candidates of one (1) political party or group
 31 of petitioners, the voter may cast a straight party ticket by touching that
 32 party's device. Except as provided in IC 3-11-7.5-10(b), the voter's vote
 33 shall then be counted for all the candidates under that name. However,
 34 if the voter casts a vote by touching the circle of an independent ticket
 35 comprised of two (2) candidates, the vote shall not be counted for any
 36 other independent candidate on the ballot.

37 (d) As provided by 52 U.S.C. 21081, a voter casting a ballot on an
 38 electronic voting system must be:

- 39 (1) permitted to verify in a private and independent manner the
 40 votes selected by the voter before the ballot is cast and counted;
 41 (2) provided the opportunity to change the ballot or correct any
 42 error in a private and independent manner before the ballot is cast



1 and counted, including the opportunity to receive a replacement
 2 ballot if the voter is otherwise unable to change or correct the
 3 ballot; and

4 (3) notified before the ballot is cast regarding the effect of casting
 5 multiple votes for the office and provided an opportunity to
 6 correct the ballot before the ballot is cast and counted.

7 SECTION 85. IC 3-11-14-27 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 27. At a general
 9 ~~municipal~~, or special election, a voter may not remain in the voting
 10 booth longer than two (2) minutes.

11 SECTION 86. IC 3-11-14-33 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 33. (a) If a county has
 13 procured electronic voting systems for use, the systems may be used at
 14 a municipal election. If there are not sufficient systems on hand for
 15 each precinct of the municipality, the county election board shall
 16 determine in what precincts systems will be used at the election.

17 **(b) This section expires January 1, 2024.**

18 SECTION 87. IC 3-11-14-34 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 34. (a) If electronic
 20 voting systems are used in a municipal election, the county election
 21 board shall furnish to the municipality:

22 (1) the requisite number of systems; and

23 (2) all the furniture and appliances that go with the systems.

24 (b) However, the municipality shall pay the expenses of moving the
 25 systems and furniture to and from the polls and also for any damage or
 26 loss to the systems or furniture.

27 **(c) This section expires January 1, 2024.**

28 SECTION 88. IC 3-11-18.1-5, AS AMENDED BY P.L.278-2019,
 29 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in
 31 subsections (b) and (c), a plan must provide a vote center for use by
 32 voters residing within the county for use in a primary election, general
 33 election, ~~or special election municipal primary; or municipal election~~
 34 conducted on or after the effective date of the county election board's
 35 order.

36 (b) A plan may provide that a vote center will not be used in a
 37 municipal election conducted in ~~2019~~ and every four (4) years
 38 ~~thereafter~~ **2023** for some or all of the towns:

39 (1) located within the county; and

40 (2) having a population of less than three thousand five hundred
 41 (3,500).

42 **This subsection expires January 1, 2024.**



1 (c) This section does not apply in a town that has established a town
 2 election board under IC 3-10-7-5.7 while the resolution established
 3 under IC 3-10-7-5.7 is in effect. **This subsection expires January 1,**
 4 **2024.**

5 SECTION 89. IC 3-11-18.1-6, AS AMENDED BY P.L.201-2017,
 6 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 6. (a) Except as provided in subsection (b), when
 8 the total number of active voters in the county equals at least
 9 twenty-five thousand (25,000), the following apply:

10 (1) The plan must provide for at least one (1) vote center for each
 11 ten thousand (10,000) active voters.

12 (2) In addition to the vote centers designated in subdivision (1),
 13 the plan must provide for a vote center for any fraction of ten
 14 thousand (10,000) active voters.

15 (b) When a county conducts a special election described in
 16 IC 3-10-8-1 that is conducted in only part of a county and not on the
 17 same date as a primary ~~or general or municipal~~ election held in the
 18 county, the following apply:

19 (1) The plan must provide for at least one (1) vote center.

20 (2) If the election district for the special election contains at least
 21 ten thousand (10,000) active voters, the following apply:

22 (A) The plan must provide for at least one (1) vote center for
 23 each ten thousand (10,000) active voters in the election
 24 district.

25 (B) In addition to the vote centers required in clause (A), the
 26 plan must provide for a ~~voter vote~~ center for any fraction of
 27 ten thousand (10,000) active voters in the election district.

28 SECTION 90. IC 3-11.7-1-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. Each circuit court
 30 clerk shall:

31 (1) not less than sixty (60) days before the date on which a
 32 general ~~or primary or municipal~~ election is held; or

33 (2) not more than three (3) days after the date on which a special
 34 election is ordered;

35 estimate the number of provisional ballots that will be required in the
 36 county for the election.

37 SECTION 91. IC 3-11.7-1-6, AS AMENDED BY P.L.169-2015,
 38 SECTION 146, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) All provisional ballots shall
 40 be prepared and printed under the direction of each county election
 41 board.

42 (b) After completing the estimate required by section 4 of this



1 chapter, the county election board shall immediately prepare the ballots
2 and have the ballots printed.

3 (c) Except as provided in subsection (e), ballots prepared by the
4 county election board under this section must provide space for the
5 voter to cast a write-in ballot.

6 (d) The provisional ballots that are prepared and printed under this
7 section shall be delivered to the circuit court clerk not later than fifty
8 (50) days before a general, primary, ~~or special or municipal~~ election.

9 (e) Space for write-in voting for an office is not required if there are
10 no declared write-in candidates for that office. However, procedures
11 must be implemented to permit write-in voting for candidates for
12 federal offices.

13 (f) This subsection applies to the printing of provisional ballots for
14 a general election in ~~which the names of the nominees for President~~
15 ~~and Vice President of the United States are to be printed on the ballot.~~
16 **a presidential election year.** The provisional ballots that are prepared
17 and printed under this section must be delivered to the circuit court
18 clerk or the clerk's authorized deputy not later than thirty-eight (38)
19 days before the general election.

20 SECTION 92. IC 3-12-1-19, AS AMENDED BY P.L.278-2019,
21 SECTION 140, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) This section applies to a
23 federal write-in absentee ballot cast in a general election ~~municipal~~
24 ~~election~~; or special election as provided in IC 3-11-4-12.5(b)(2) by an
25 absent uniformed services voter or overseas voter.

26 (b) If a voter designates a candidate by writing in the name of a
27 political party on the ballot, the voter's vote shall be counted for all
28 candidates of that political party on the ballot.

29 (c) If a voter writes an abbreviation, misspelling, or other minor
30 variation instead of the correct name of a candidate or a political party,
31 the voter's vote shall be counted if the intent of the voter can be
32 determined.

33 (d) This subsection applies to a voter who casts a ballot for:

34 (1) an individual who is a candidate for President of the United
35 States;

36 (2) an individual who is a candidate for Vice President of the
37 United States; or

38 (3) both individuals who are candidates for President of the
39 United States and Vice President of the United States.

40 A ballot cast as described in this subsection is considered to be cast for
41 the presidential electors and alternate presidential electors pledged to
42 support the ticket of candidates for President and Vice President



1 printed on the regular official ballot.

2 (e) This subsection applies to a voter who casts a ballot for:

- 3 (1) an individual who is a candidate for governor;
 4 (2) an individual who is a candidate for lieutenant governor;
 5 (3) both individuals who are candidates for governor and
 6 lieutenant governor.

7 A ballot cast as described in this subsection is considered to be cast for
 8 both individuals who are candidates for governor and lieutenant
 9 governor of Indiana who are printed on the regular official ballot.

10 (f) If a voter votes for a candidate on a ballot described by this
 11 section, but does not indicate the office for which the candidate has
 12 been nominated, the voter's vote for that candidate is void.

13 SECTION 93. IC 3-12-8-17, AS AMENDED BY P.L.169-2015,
 14 SECTION 149, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) A contest shall be heard and
 16 determined by the court without a jury subject to the Indiana Rules of
 17 Trial Procedure.

18 (b) The court shall determine the issues raised by the petition and
 19 answer to the petition.

20 (c) After hearing and determining a petition alleging that a
 21 candidate is ineligible, the court shall declare as elected or nominated
 22 the qualified candidate who received the highest number of votes and
 23 render judgment accordingly. If the court rules that the contestee is
 24 ineligible, and no other individual was a candidate for nomination or
 25 election, the court shall declare that no candidate has been:

- 26 (1) nominated at the primary, and that a ballot vacancy exists that
 27 the political party may fill under IC 3-13-1 or IC 3-13-2; or
 28 (2) elected at the general or ~~municipal~~ election, and that an office
 29 vacancy exists that may be filled under IC 3-13, subject to the
 30 right of an individual currently serving in the office to hold over
 31 in that office under Article 15, Section 3 of the Constitution of the
 32 State of Indiana.

33 (d) If the court finds that:

- 34 (1) a mistake in the printing or distribution of the ballots used in
 35 the election;
 36 (2) a mistake in the programming of an electronic voting system;
 37 (3) a malfunction of an electronic voting system; or
 38 (4) the occurrence of a deliberate act or series of actions;

39 makes it impossible to determine which candidate received the highest
 40 number of votes, the court shall order that a special election be
 41 conducted under IC 3-10-8.

42 (e) The special election shall be conducted in the precincts



1 identified in the petition in which the court determines that:

- 2 (1) ballots containing the printing mistake or distributed by
 3 mistake were cast;
 4 (2) a mistake occurred in the programming of an electronic voting
 5 system;
 6 (3) an electronic voting system malfunctioned; or
 7 (4) the deliberate act or series of actions occurred.

8 SECTION 94. IC 3-12-9-1, AS AMENDED BY P.L.230-2005,
 9 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2020]: Sec. 1. (a) Whenever a tie vote at an election for:

- 11 (1) a federal office;
 12 (2) a state office (other than governor and lieutenant governor);
 13 or
 14 (3) a legislative office;

15 occurs, a special election shall be held.

16 (b) Whenever a tie vote occurs at a primary election for the
 17 nomination of a candidate to be voted for at the general ~~or municipal~~
 18 election, IC 3-13-1-17 applies.

19 SECTION 95. IC 3-13-1-1, AS AMENDED BY P.L.219-2013,
 20 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2020]: Sec. 1. Except as provided in section 18 or 20 of this
 22 chapter or IC 3-10-8-7.5, this chapter applies to the filling of a
 23 candidate vacancy that arises for any reason if the vacancy leaves a
 24 major political party without a candidate for the office and occurs
 25 before the thirtieth day before a general ~~or special or municipal~~
 26 election.

27 SECTION 96. IC 3-13-1-2 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A candidate vacancy
 29 that exists on a primary election ballot may not be filled for the primary
 30 election. The resulting vacancy on the following general ~~or municipal~~
 31 election ballot may be filled in the manner prescribed by this chapter,
 32 but only if it is filled **by not later than** noon June 30 before election
 33 day.

34 SECTION 97. IC 3-13-1-7 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Except as
 36 provided in subsection (b), action to fill a candidate vacancy must be
 37 taken:

- 38 (1) not later than noon June 30 after the primary election if the
 39 vacancy exists on a general ~~or municipal~~ election ballot; and
 40 (2) within thirty (30) days after the occurrence of the vacancy, if
 41 the vacancy exists on a special election ballot, subject to section
 42 2 of this chapter.



1 (b) This subsection applies to a candidate vacancy that exists before
 2 the thirtieth day before a general ~~municipal~~, or special election and that
 3 is due to any of the following:

- 4 (1) The death of a candidate.
 5 (2) The withdrawal of a candidate.
 6 (3) The disqualification of a candidate under IC 3-8-1-5.
 7 (4) A court order issued under IC 3-8-7-29(d).

8 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this
 9 chapter for reasons permitted under this subsection must be taken
 10 within thirty (30) days after the occurrence of the vacancy.

11 SECTION 98. IC 3-13-1-16.5, AS AMENDED BY P.L.74-2017,
 12 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2020]: Sec. 16.5. (a) All questions concerning the validity of
 14 a certificate of candidate selection filed with the election division shall
 15 be determined by the commission. A statement questioning the validity
 16 of a certificate of candidate selection must be filed with the election
 17 division under IC 3-8-1-2(d) not later than noon seventy-four (74) days
 18 before the date on which the general ~~or municipal~~ election will be held
 19 for the office.

20 (b) All questions concerning the validity of a certificate of candidate
 21 selection filed with a circuit court clerk shall be referred to and
 22 determined by the county election board. A statement questioning the
 23 validity of a certificate of candidate selection must be filed with the
 24 county election board under IC 3-8-1-2(d) not later than noon
 25 seventy-four (74) days before the date on which the general ~~or~~
 26 ~~municipal~~ election will be held for the office.

27 (c) The commission or a county election board shall rule on the
 28 validity of the certificate of candidate selection not later than noon
 29 sixty (60) days before the date on which the general ~~or municipal~~
 30 election will be held for the office.

31 SECTION 99. IC 3-13-1-19 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. A person who was
 33 defeated in a primary election or in a ~~town or state~~ convention is
 34 eligible to be appointed by the political party that the person affiliated
 35 with by voting in the most recent primary election held by that party.
 36 The person selected may fill any vacancy on the party's ticket as a
 37 candidate in any general ~~municipal~~, or special election following that
 38 primary election or convention in which the vacancy occurred.
 39 However, a person is not disqualified from appointment under this
 40 section for not having voted in the most recent primary election if the
 41 appointee is certified as a member of that party by the county chairman
 42 for the county in which the appointee resides.



1 SECTION 100. IC 3-13-1-20.5, AS AMENDED BY P.L.74-2017,
 2 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2020]: Sec. 20.5. (a) This section applies to a candidate
 4 nominated by a political party subject to IC 3-8-4-10, IC 3-10-2-15, or
 5 IC 3-10-6-12.

6 (b) This section does not apply to a candidate nominated under
 7 IC 3-8-5-14 and subject to IC 3-8-5-14.7.

8 (c) All questions concerning the validity of a certificate of candidate
 9 selection filed under section 20 of this chapter with the election
 10 division shall be determined by the commission. A statement
 11 questioning the validity of a certificate of candidate selection must be
 12 filed with the election division under IC 3-8-1-2(d) not later than noon
 13 seventy-four (74) days before the date on which the general election
 14 will be held for the office.

15 (d) All questions concerning the validity of a certificate of candidate
 16 selection filed under section 20 of this chapter with a circuit court clerk
 17 shall be referred to and determined by the county election board. A
 18 statement questioning the validity of a certificate of candidate selection
 19 must be filed with the county election board under IC 3-8-1-2(d) not
 20 later than noon seventy-four (74) days before the date on which the
 21 general ~~or municipal~~ election will be held for the office.

22 (e) The commission or a county election board shall act upon a
 23 question concerning the validity of a certificate of candidate selection
 24 not later than noon sixty (60) days before the date on which the general
 25 ~~or municipal~~ election will be held for the office.

26 SECTION 101. IC 3-13-2-1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies
 28 to the filling of a candidate vacancy that exists due to the:

- 29 (1) death of a political party's candidate;
- 30 (2) withdrawal of a candidate who has moved from the election
 31 district;
- 32 (3) disqualification of a candidate under IC 3-8-1-5; or
- 33 (4) issuance of a court order under IC 3-8-7-29(d);

34 for nomination or election to an office at a general ~~municipal~~, or special
 35 election after the thirty-first day before a general ~~municipal~~, or special
 36 election.

37 SECTION 102. IC 3-13-2-10 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. A person who was
 39 defeated in a primary election or in a ~~town or state~~ convention is
 40 eligible to be appointed by the person's own political party to fill any
 41 vacancy on the party's ticket as a candidate in any general ~~municipal~~,
 42 or special election following that primary election or convention.



1 SECTION 103. IC 3-13-8-4, AS AMENDED BY P.L.119-2005,
 2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2020]: Sec. 4. (a) This section applies to a vacancy in the
 4 city-county council of a first class city not covered by section 1 of this
 5 chapter.

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

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

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

22 (d) The appointed member serves until a successor is elected and
 23 qualified at the next ~~municipal or~~ general election. ~~whichever occurs~~
 24 ~~first~~. The successor serves from noon January 1 following that election
 25 to noon January 1 following the next ~~municipal~~ **general** election, as
 26 provided in IC 36-3-4-2. The persons appointed and elected must be
 27 resident voters in the district where the vacancy occurred, unless the
 28 vacancy occurred in an at large seat.

29 SECTION 104. IC 33-35-1-1, AS AMENDED BY P.L.278-2019,
 30 SECTION 176, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) During 2022 and ~~every fourth~~
 32 ~~year~~ after that, **every year before a presidential election year**, a
 33 second or third class city or a town may by ordinance establish or
 34 abolish a city or town court. An ordinance to establish a city or town
 35 court must be adopted not less than one (1) year before the judge's term
 36 would begin under section 3 of this chapter.

37 (b) The judge for a court established under subsection (a) shall be
 38 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in
 39 November ~~2019~~ **2023** and ~~every four (4) years thereafter~~. **after 2023,**
 40 **as provided in IC 3-10-7.5.**

41 (c) A court established under subsection (a) comes into existence on
 42 January 1 of the year following the year in which a judge is elected to



1 serve in that court.

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

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

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

7 (2) The secretary of state.

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

10 SECTION 105. IC 33-35-1-2 IS REPEALED [EFFECTIVE JULY
11 1, 2020]. Sec. 2: (a) This section applies to a town that:

12 (1) adopts an ordinance under IC 3-10-6-2.6; and

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

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

20 SECTION 106. IC 33-35-1-3, AS AMENDED BY P.L.109-2015,
21 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2020]: Sec. 3. (a) The judge of a city or town court shall be
23 elected under:

24 (1) IC 3-10-6 or IC 3-10-7 before January 1, 2024; and

25 (2) IC 3-10-7.5 after December 31, 2023;

26 by the voters of the city or town.

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

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

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

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

37 beginning at noon January 1 after election and continuing until a
38 successor is elected and qualified. **This subsection expires January
39 1, 2024.**

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

42 (1) a judge elected at the next municipal election not conducted



- 1 in a general election year is three (3) years; and
 2 (2) the successors to the judge described in subdivision (1) is four
 3 (4) years;
 4 beginning noon January 1 after election and continuing until a
 5 successor is elected and qualified. **This subsection expires January**
 6 **1, 2024.**
 7 (e) This subsection applies to a town that adopts an ordinance under
 8 IC 3-10-7-2.9. The term of office of:
 9 (1) a judge elected in the first election cycle after adoption of the
 10 ordinance is the term of office provided by the ordinance, not to
 11 exceed four (4) years; and
 12 (2) the successors of the judge described in subdivision (1) is four
 13 (4) years.
 14 **This subsection expires January 1, 2024.**
 15 (f) Before beginning the duties of office, the judge shall, in the
 16 manner prescribed by IC 5-4-1, execute a bond conditioned upon the
 17 faithful discharge of the duties of office.
 18 SECTION 107. IC 36-1-2-11.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2020]: **Sec. 11.5. "Nonpresidential election**
 21 **year" has the meaning set forth in IC 3-5-2-33.3.**
 22 SECTION 108. IC 36-1-2-13.5 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2020]: **Sec. 13.5. "Presidential election year"**
 25 **has the meaning set forth in IC 3-5-2-40.4.**
 26 SECTION 109. IC 36-1.5-4-36, AS AMENDED BY P.L.113-2010,
 27 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2020]: Sec. 36. (a) This section applies if
 29 section 5 of this chapter requires an election for a reorganization to
 30 become effective.
 31 (b) At the next:
 32 (1) general election; if:
 33 (A) the reorganized political subdivision is not a municipality
 34 or a school corporation; or
 35 (B) the reorganized political subdivision results from a
 36 reorganization including a county and at least one (1)
 37 municipality;
 38 (2) municipal election, if the reorganized political subdivision is
 39 a municipality; or
 40 (3) (2) primary or general election, as specified in an election plan
 41 adopted in substantially identical resolutions by the legislative
 42 body of each of the participating political subdivisions if the



1 reorganized political subdivision is a school corporation;
 2 after the voters approve a reorganization, one (1) set of officers for the
 3 reorganized political subdivision having the combined population of
 4 the reorganizing political subdivisions shall be elected by the voters in
 5 the territory of the reorganized political subdivision as prescribed by
 6 statute.

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

8 (1) one (1) member of the legislative body of the reorganized
 9 political subdivision shall be elected from each election district
 10 established by the reorganizing political subdivisions in
 11 substantially identical resolutions adopted by the legislative body
 12 of each of the reorganizing political subdivisions; and

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

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

23 SECTION 110. IC 36-3-3-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A mayor, who is
 25 the executive of both the consolidated city and the county, shall be
 26 elected under:

27 **(1) IC 3-10-6 before January 1, 2024; and**

28 **(2) IC 3-10-7.5 after December 31, 2023;**

29 by the voters of the whole county.

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

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

35 SECTION 111. IC 36-3-4-2, AS AMENDED BY P.L.266-2013,
 36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2020]: Sec. 2. (a) A city-county council, which is the
 38 legislative body of both the consolidated city and the county, shall be
 39 elected under:

40 **(1) IC 3-10-6, before January 1, 2024; and**

41 **(2) IC 3-10-7.5, after December 31, 2023;**

42 by the voters of the county.



1 **(b)** The city-county council consists of ~~the following members:~~

2 ~~(1) Before January 1, 2016, twenty-nine (29) members:~~

3 ~~(2) After December 31, 2015, twenty-five (25) members.~~

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

6 ~~(c)~~ **(d)** A member of the legislative body must reside within:

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

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

10 ~~(d)~~ **(e)** A vacancy in the legislative body occurs whenever a
11 member:

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

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

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

17 ~~(e)~~ **(f)** The vacancy shall be filled under IC 3-13-8.

18 ~~(f)~~ **(g)** The term of office of a member of the legislative body is four
19 (4) years, beginning at noon on January 1 after election and continuing
20 until a successor is elected and qualified.

21 SECTION 112. IC 36-4-1-8 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Whenever the
23 classification of a city under section 1 of this chapter changes due to a
24 change in the city's population, the city shall be governed by the laws
25 applicable to its new class, except as provided by subsection (b).

26 (b) The membership of a city legislative body remains unchanged
27 until the expiration of the terms of its members, despite a change in the
28 classification of the city for any reason. At the ~~municipal~~ **general**
29 election preceding the expiration of those terms, the number of
30 members of the legislative body required by the laws applicable to its
31 new class shall be elected. The powers, duties, functions, and office of
32 an elected official of a city shall remain unchanged until the expiration
33 of the term of the elected official, despite a change in city classification
34 for any reason.

35 SECTION 113. IC 36-4-1.5-3, AS AMENDED BY P.L.202-2013,
36 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2020]: Sec. 3. (a) A town legislative body may satisfy the
38 requirements of this section in an ordinance adopted either before or
39 after the town's voters vote on the question described in section 2 of
40 this chapter.

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



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

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

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

7 (A) The city executive.

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

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

11 (3) The date of the first election of the city officers. The first
 12 election may be held only on the date of the next general election
 13 ~~or municipal election, whichever is earlier,~~ following the date
 14 fixed for an election under section 2 of this chapter on the
 15 question of whether the town should be changed into a city.
 16 Candidates for election to the city offices shall be nominated:

17 (A) at the corresponding primary election during a general
 18 election ~~year or a municipal election~~ year; or

19 (B) as otherwise provided in IC 3.

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

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

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

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

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

32 SECTION 114. IC 36-4-1.5-4, AS ADDED BY P.L.111-2005,
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2020]: Sec. 4. (a) Notwithstanding any other law, the term of
 35 office of the city officers elected at the first election of city officers
 36 held under the ordinance adopted under section 3 of this chapter:

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

38 (2) may not extend after December 31 of the next ~~municipal~~
 39 **general** election year that occurs after the first election of city
 40 officers.

41 (b) The ordinance adopted under section 3 of this chapter may
 42 provide for a shorter term of office for specified members of the city



1 legislative body to stagger terms as permitted under IC 3 and IC 36-4-6.
 2 if a general election will occur before the next municipal election after
 3 the first election of city officers:

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

6 SECTION 115. IC 36-4-2-8 IS REPEALED [EFFECTIVE JULY 1,
 7 2020]. Sec. 8: An election held under section 2 or 3 of this chapter may
 8 not be held in a calendar year in which a general municipal election is
 9 to be held.

10 SECTION 116. IC 36-4-2-10 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. At the next general
 12 municipal election after a vote in favor of a merger at an election held
 13 under section 2 or 3 of this chapter, one (1) set of officers for a
 14 municipality having the combined population of the merging
 15 municipalities shall be elected by the voters of the merging
 16 municipalities as prescribed by statute, except that:

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

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

22 SECTION 117. IC 36-4-2-12 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. (a) The legislative
 24 bodies of municipalities that vote to merge under this chapter shall
 25 meet in joint session at the hall of the municipality having the largest
 26 population at 8 p.m. on the second Monday of January of the next year
 27 in which a general municipal election is to be held. At the joint
 28 meeting, the legislative bodies shall:

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

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

33 The legislative bodies shall fix the district boundaries so that, as nearly
 34 as is possible, all parts of the merging municipalities have equal
 35 representation in the legislative body of the new municipality. The
 36 district boundaries fixed under this subsection constitute the district
 37 boundaries for the new municipality until they are altered by the
 38 legislative body of the new municipality.

39 (b) If any territory in the municipality is not included in one (1) of
 40 the districts established under subsection (a), the territory is included
 41 in the district that:

42 (1) is contiguous to that territory; and



- 1 (2) contains the least population of all districts contiguous to that
 2 territory.
- 3 (c) If any territory in the municipality is included in more than one
 4 (1) of the districts established under subsection (a), the territory is
 5 included in the district that:
- 6 (1) is one (1) of the districts in which the territory is described in
 7 the joint resolution adopted under subsection (a);
 8 (2) is contiguous to that territory; and
 9 (3) contains the least population of all districts contiguous to that
 10 territory.
- 11 (d) A copy of the joint resolution passed under subsection (a) shall
 12 be:
- 13 (1) certified by the presiding officer;
 14 (2) attested by the clerk; and
 15 (3) filed with the legislative body of each of the merging
 16 municipalities and the circuit court clerk of each county in which
 17 the municipalities are located.
- 18 SECTION 118. IC 36-4-5-2 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A mayor, who is
 20 the city executive, shall be elected under:
- 21 (1) IC 3-10-6 **before January 1, 2024; and**
 22 (2) IC 3-10-7.5 **after December 31, 2023;**
 23 by the voters of each city.
- 24 (b) A person is eligible to be a city executive only if the person
 25 meets the qualifications prescribed by IC 3-8-1-26.
- 26 (c) Residency in territory that is annexed by the city before the
 27 election is considered residency for the purposes of subsection (b),
 28 even if the annexation takes effect less than one (1) year before the
 29 election.
- 30 (d) The city executive must reside within the city as provided in
 31 Article 6, Section 6 of the Constitution of the State of Indiana. The
 32 executive forfeits office if the executive ceases to be a resident of the
 33 city.
- 34 (e) The term of office of a city executive is four (4) years, beginning
 35 at noon on January 1 after election and continuing until a successor is
 36 elected and qualified.
- 37 SECTION 119. IC 36-4-6-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) A common
 39 council, which is the city legislative body, shall be elected under:
- 40 (1) IC 3-10-6 **before January 1, 2024; and**
 41 (2) IC 3-10-7.5 **after December 31, 2023;**
 42 by the voters of each city.



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

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

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

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

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

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

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

16 SECTION 120. IC 36-4-6-3, AS AMENDED BY P.L.271-2013,
17 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2020]: Sec. 3. (a) This section applies only to second class
19 cities.

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

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

24 (2) are reasonably compact;

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

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

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

30 (1) more than one (1) member of the legislative body elected from
31 the districts established under subsection (b) resides in one (1)
32 precinct established under IC 3-11-1.5 after the most recent
33 **municipal general** election; and

34 (2) following the establishment of a legislative body district
35 whose boundary crosses a precinct boundary line, not more than
36 one (1) member of the legislative body elected from districts
37 resides within the same city legislative body district.

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

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



- 1 (1) except when following a precinct boundary line; or
 2 (2) unless the city legislative body certifies in the ordinance that
 3 the census block has no population, and is not likely to ever have
 4 population.
 5 (f) The legislative body may not adopt an ordinance dividing the city
 6 into districts with boundaries described by subsection (c) or (d) unless
 7 the clerk of the city mails a written notice to the circuit court clerk. The
 8 notice must:
 9 (1) state that the legislative body is considering the adoption of an
 10 ordinance described by this subsection; and
 11 (2) be mailed not later than ten (10) days before the legislative
 12 body adopts the ordinance.
 13 (g) Except as provided in subsection (1), the division under
 14 subsection (b) shall be made:
 15 (1) during the second year after a year in which a federal
 16 decennial census is conducted; and
 17 (2) when required to assign annexed territory to a district.
 18 This division may be made at any other time, subject to IC 3-11-1.5-32.
 19 (h) The legislative body is composed of six (6) members elected
 20 from the districts established under subsection (b) and three (3) at-large
 21 members.
 22 (i) Each voter of the city may vote for three (3) candidates for
 23 at-large membership and one (1) candidate from the district in which
 24 the voter resides. The three (3) at-large candidates receiving the most
 25 votes from the whole city and the district candidates receiving the most
 26 votes from their respective districts are elected to the legislative body.
 27 (j) If any territory in the city is not included in one (1) of the
 28 districts established under this section, the territory is included in the
 29 district that:
 30 (1) is contiguous to that territory; and
 31 (2) contains the least population of all districts contiguous to that
 32 territory.
 33 (k) If any territory in the city is included in more than one (1) of the
 34 districts established under this section, the territory is included in the
 35 district that:
 36 (1) is one (1) of the districts in which the territory is described in
 37 the ordinance adopted under this section;
 38 (2) is contiguous to that territory; and
 39 (3) contains the least population of all districts contiguous to that
 40 territory.
 41 (l) This subsection applies during the second year after a year in
 42 which a federal decennial census is conducted. If the legislative body



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

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

- 9 (1) adopted under subsection (b); or
- 10 (2) recertified under subsection (l).

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

19 (o) If a conflict exists between:

- 20 (1) a map showing the boundaries of a district; and
- 21 (2) a description of the boundaries of that district set forth in the
 22 ordinance;

23 the district boundaries are the description of the boundaries set forth in
 24 the ordinance, not the boundaries shown on the map, to the extent there
 25 is a conflict between the description and the map.

26 SECTION 121. IC 36-4-6-4, AS AMENDED BY P.L.271-2013,
 27 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2020]: Sec. 4. (a) This section applies to third class cities,
 29 except as provided by section 5 of this chapter.

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

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

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

- 41 (1) more than one (1) member of the legislative body elected from
 42 the districts established under subsection (b), (j), or (m) resides in



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



- 1 (1) are composed of contiguous territory;
 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 (k) This subsection applies to a city with an ordinance described by
 7 subsection (j). The legislative body is composed of four (4) members
 8 elected from the districts established under subsection (j) and three (3)
 9 at-large members.
- 10 (l) This subsection applies to a city with an ordinance described by
 11 subsection (j). Each voter of the city may vote for three (3) candidates
 12 for at-large membership and one (1) candidate from the district in
 13 which the voter resides. The three (3) at-large candidates receiving the
 14 most votes from the whole city and the district candidates receiving the
 15 most votes from their respective districts are elected to the legislative
 16 body.
- 17 (m) This subsection applies only if the ordinance adopted under
 18 IC 36-4-1.5-3 by the town legislative body of a town that has a
 19 population of less than ten thousand (10,000) and that becomes a city
 20 specifies that the city legislative body districts are governed by this
 21 subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing
 22 the town into city legislative body districts may provide that:
- 23 (1) the city shall be divided into three (3) districts that:
 24 (A) are composed of contiguous territory;
 25 (B) are reasonably compact;
 26 (C) do not cross precinct boundary lines, except as provided in
 27 subsection (c) or (d); and
 28 (D) contain, as nearly as is possible, equal population; and
 29 (2) the legislative body of the city is composed of three (3)
 30 members elected from the districts established under this
 31 subsection and two (2) at-large members.
- 32 Each voter of the city may vote for two (2) candidates for at-large
 33 membership and one (1) candidate from the district in which the voter
 34 resides. The two (2) at-large candidates receiving the most votes from
 35 the whole city and the district candidates receiving the most votes from
 36 their respective districts are elected to the legislative body.
- 37 (n) A copy of the ordinance establishing districts or a recertification
 38 adopted under this section must be filed with the circuit court clerk of
 39 the county that contains the greatest population of the city ~~no~~ **not**
 40 than thirty (30) days after the ordinance or recertification is adopted.
 41 The filing must include a map of the district boundaries:
 42 (1) adopted under subsection (b), (j), or (m); or



- 1 (2) recertified under subsection (q).
- 2 (o) If any territory in the city 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 (p) If any territory in the city 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 (q) This subsection applies during the second year after a year in
17 which a federal decennial census is conducted. If the legislative body
18 determines that a division under subsection (g) is not required, the
19 legislative body shall adopt an ordinance recertifying that the districts
20 as drawn comply with this section.
- 21 (r) The limitations set forth in this section are part of the ordinance,
22 but do not have to be specifically set forth in the ordinance. The
23 ordinance must be construed, if possible, to comply with this chapter.
24 If a provision of the ordinance or an application of the ordinance
25 violates this chapter, the invalidity does not affect the other provisions
26 or applications of the ordinance that can be given effect without the
27 invalid provision or application. The provisions of the ordinance are
28 severable.
- 29 (s) If a conflict exists between:
- 30 (1) a map showing the boundaries of a district; and
31 (2) a description of the boundaries of that district set forth in the
32 ordinance;
33 the district boundaries are the description of the boundaries set forth in
34 the ordinance, not the boundaries shown on the map, to the extent there
35 is a conflict between the description and the map.
- 36 SECTION 122. IC 36-4-6-5, AS AMENDED BY P.L.271-2013,
37 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2020]: Sec. 5. (a) This section applies to third class cities
39 having a population of less than ten thousand (10,000). The legislative
40 body of such a city may, by ordinance adopted after June 30, 2010, and
41 during a year in which an election of the legislative body will not
42 occur, decide to be governed by this section instead of section 4 of this



1 chapter. The legislative body districts created by an ordinance adopted
 2 under this subsection apply to the first election of the legislative body
 3 held after the date the ordinance is adopted. The clerk of the legislative
 4 body shall send a certified copy of any ordinance adopted under this
 5 subsection to the secretary of the county election board.

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

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

11 (2) are reasonably compact;

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

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

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

17 (1) more than one (1) member of the legislative body elected from
 18 the districts established under subsection (b) or (j) resides in one
 19 (1) precinct established under IC 3-11-1.5 after the most recent
 20 **municipal general** election; and

21 (2) following the establishment of a legislative body district
 22 whose boundary crosses a precinct boundary line, not more than
 23 one (1) member of the legislative body elected from the districts
 24 resides within the same city legislative body district.

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

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

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

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

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

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

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

42 (g) Except as provided in subsection (q), the division under



1 subsection (b) or (j) shall be made:

2 (1) during the second year after a year in which a federal
3 decennial census is conducted; and

4 (2) when required to assign annexed territory to a district.

5 This division may be made at any other time, subject to IC 3-11-1.5-32.

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

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

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

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

20 (2) are reasonably compact;

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

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

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

28 (l) This subsection applies to a city with an ordinance described by
29 subsection (j). Each voter of the city may vote for two (2) candidates
30 for at-large membership and one (1) candidate from the district in
31 which the voter resides. The two (2) at-large candidates receiving the
32 most votes from the whole city and the district candidates receiving the
33 most votes from their respective districts are elected to the legislative
34 body.

35 (m) This subsection applies to a city having a population of less than
36 seven thousand (7,000). A legislative body of such a city that has, by
37 resolution adopted before May 7, 1991, decided to continue an election
38 process that permits each voter of the city to vote for one (1) candidate
39 at large and one (1) candidate from each of its four (4) council districts
40 may hold elections using that voting arrangement. The at-large
41 candidate and the candidate from each district receiving the most votes
42 from the whole city are elected to the legislative body. The districts



1 established in cities adopting such a resolution may cross precinct
2 boundary lines.

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

- 8 (1) adopted under subsection (b) or (j); or
- 9 (2) recertified under subsection (q).

10 (o) If any territory in the city is not included in one (1) of the
11 districts established under this section, the territory is included in the
12 district that:

- 13 (1) is contiguous to that territory; and
- 14 (2) contains the least population of all districts contiguous to that
15 territory.

16 (p) If any territory in the city is included in more than one (1) of the
17 districts established under this section, the territory is included in the
18 district that:

- 19 (1) is one (1) of the districts in which the territory is described in
20 the ordinance adopted under this section;
- 21 (2) is contiguous to that territory; and
- 22 (3) contains the least population of all districts contiguous to that
23 territory.

24 (q) This subsection applies during the second year after a year in
25 which a federal decennial census is conducted. If the legislative body
26 determines that a division under subsection (b) or (j) is not required,
27 the legislative body shall adopt an ordinance recertifying that the
28 districts as drawn comply with this section.

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

37 (s) If a conflict exists between:

- 38 (1) a map showing the boundaries of a district; and
- 39 (2) a description of the boundaries of that district set forth in the
40 ordinance;

41 the district boundaries are the description of the boundaries set forth in
42 the ordinance, not the boundaries shown on the map, to the extent there



1 is a conflict between the description and the map.

2 SECTION 123. IC 36-5-1-10.1, AS AMENDED BY P.L.219-2013,
3 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 10.1. (a) If a majority of the voters voting on the
5 public question under section 8 of this chapter vote "yes", the county
6 executive shall adopt an ordinance incorporating the town.

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

8 (1) either:

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

12 (B) divide the town into not less than three (3) nor more than
13 seven (7) districts; and

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

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

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

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

30 (1) is contiguous to that territory; and

31 (2) contains the least population of all districts contiguous to that
32 territory.

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

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

38 (2) is contiguous to that territory; and

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

41 (f) Except as provided in subsection (g), an ordinance adopted under
42 this section becomes effective when filed with:



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

4 (g) An ordinance incorporating a town under this section may not
 5 take effect during the year preceding a year in which a federal
 6 decennial census is conducted. An ordinance under this section that
 7 would otherwise take effect during the year preceding a year in which
 8 a federal decennial census is conducted takes effect January 1 of the
 9 year in which a federal decennial census is conducted.

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

12 (i) Notwithstanding subsection (g) as that subsection existed on
 13 December 31, 2009, an ordinance that took effect January 2, 2010,
 14 because of the application of subsection (g), as that subsection existed
 15 on December 31, 2009, is instead considered to take effect January 1,
 16 2010, without the adoption of an ordinance or an amended ordinance
 17 or any other additional action being required.

18 SECTION 124. IC 36-5-1.1-10.6, AS AMENDED BY
 19 P.L.113-2010, SECTION 128, IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.6. (a) This section
 21 applies to included towns.

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

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

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

- 40 (1) The circuit court clerk of the county.
 41 (2) The office of the secretary of state.

42 (e) Except as provided in subsection (f), dissolution occurs:



- 1 (1) at least sixty (60) days after certification under IC 3-12-4-9;
 2 and
 3 (2) when the certification is filed under subsection (d).
 4 (f) A dissolution under this section may not take effect during the
 5 year preceding a year in which a federal decennial census is conducted.
 6 A dissolution under this section that would otherwise take effect during
 7 the year preceding a year in which the federal decennial census is
 8 conducted takes effect January 1 of the year in which a federal
 9 decennial census is conducted.
 10 (g) When a town is dissolved under this section:
 11 (1) the territory included within the town when the ordinance was
 12 adopted becomes a part of the consolidated city;
 13 (2) the books and records of the town become the property of the
 14 county executive;
 15 (3) the property owned by the town after payment of debts and
 16 liabilities shall be disposed of by the county executive; and
 17 (4) the county executive shall deposit any proceeds remaining
 18 after payment of debts and liabilities into the county general fund.
 19 (h) The dissolution of a town under this section does not affect the
 20 validity of a contract to which the town is a party.
 21 (i) Notwithstanding subsection (f) as that subsection existed on
 22 December 31, 2009, a dissolution that took effect January 2, 2010,
 23 because of the application of subsection (f), as that subsection existed
 24 on December 31, 2009, is instead considered to take effect January 1,
 25 2010, without any additional action being required.
 26 SECTION 125. IC 36-5-2-2 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The town council
 28 elected under:
 29 (1) IC 3-10-6 or IC 3-10-7 **before January 1, 2024; and**
 30 (2) **IC 3-10-7.5 after December 31, 2023;**
 31 is the town legislative body. The president of the town council selected
 32 under section 7 of this chapter is the town executive.
 33 SECTION 126. IC 36-5-2-3, AS AMENDED BY P.L.109-2015,
 34 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (b), (c),
 36 (d), (e), (f), or (g), the term of office of a member of the legislative
 37 body is four (4) years, beginning at noon January 1 after the member's
 38 election and continuing until the member's successor is elected and
 39 qualified.
 40 (b) The term of office of a member of the legislative body appointed
 41 to fill a vacancy resulting from an increase in the number of town
 42 legislative body members under section 4.2 of this chapter:



- 1 (1) begins when the ordinance increasing the number of
 2 legislative body members takes effect, or when the member is
 3 appointed under IC 3-13-9-4, if the appointment is made after the
 4 ordinance takes effect; and
 5 (2) continues until noon January 1 following the next ~~municipal~~
 6 general election scheduled under:
 7 (A) IC 3-10-6-5 or IC 3-10-7-6 **before January 1, 2024; and**
 8 (B) **IC 3-10-7.5 after December 31, 2023;**
 9 and until the member's successor is elected and qualified.
- 10 (c) The term of office of a member of the legislative body elected
 11 under IC 36-5-1-10.1 following the incorporation of the town:
 12 (1) begins at noon November 30 following the election; and
 13 (2) continues until noon January 1 following the next ~~municipal~~
 14 **general** election scheduled under:
 15 (A) IC 3-10-6-5 or IC 3-10-7-6 **before January 1, 2024; and**
 16 (B) **IC 3-10-7.5 after December 31, 2023;**
 17 and until the member's successor is elected and qualified.
- 18 (d) The term of office of a member of the legislative body subject
 19 to IC 3-10-6-2.5(d)(1) is three (3) years, beginning at noon January 1
 20 after the member's election and continuing until the member's
 21 successor is elected and qualified. **This subsection expires January**
 22 **1, 2024.**
- 23 (e) The term of office of a member of a legislative body subject to
 24 an ordinance described by IC 3-10-6-2.6 is one (1) year, beginning at
 25 noon January 1 after the member's election and continuing until the
 26 member's successor is elected and qualified. **This subsection expires**
 27 **January 1, 2024.**
- 28 (f) The term of office of a member of a legislative body subject to
 29 an ordinance described by IC 3-10-7-2.7 is:
 30 (1) three (3) years if the member is elected at the next municipal
 31 election not conducted in a general election year; and
 32 (2) four (4) years for the successors of a member of a legislative
 33 body described in subdivision (1);
 34 beginning noon January 1 after election and continuing until a
 35 successor is elected and qualified. **This subsection expires January**
 36 **1, 2024.**
- 37 (g) The term of office of a member of a legislative body subject to
 38 an ordinance described by IC 3-10-7-2.9 is:
 39 (1) the term of office provided by the ordinance, not to exceed
 40 four (4) years, for a member of the legislative body elected in the
 41 first election cycle after adoption of the ordinance; and
 42 (2) four (4) years for the successors of the member of a legislative



body described in subdivision (1).

This subsection expires January 1, 2024.

SECTION 127. IC 36-5-2-4.1, AS AMENDED BY P.L.74-2017, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.1. (a) The legislative body may, by ordinance, divide the town into districts for the purpose of conducting elections of town officers.

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

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

(2) The district must be reasonably compact.

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

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

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

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

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

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

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

(1) is contiguous to that territory; and

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

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

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

(2) is contiguous to that territory; and

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



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

5 (g) This subsection does not apply to a town with an ordinance
 6 described by subsection (h). Except as provided in subsection (k), the
 7 division permitted by subsection (a) shall be made:

- 8 (1) during the second year after a year in which a federal
 9 decennial census is conducted, subject to IC 3-11-1.5-32; and
 10 (2) when required to assign annexed territory to a municipal
 11 legislative body district.

12 The division may also be made in any other year.

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

- 16 (1) town legislative body districts are abolished; and
 17 (2) all members of the legislative body are elected at large.

18 (i) An ordinance described by subsection (h):

- 19 (1) may not be adopted or repealed during a year in which a
 20 **municipal general** election is scheduled to be conducted in the
 21 town under:

- 22 **(A) IC 3-10-6 or IC 3-10-7 before January 1, 2024; and**
 23 **(B) IC 3-10-7.5 after December 31, 2023; and**

- 24 (2) is effective upon passage.

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

- 30 (1) adopted under subsection (a); or
 31 (2) recertified under subsection (k).

32 (k) This subsection applies during the second year after a year in
 33 which a federal decennial census is conducted. If the legislative body
 34 determines that a division under subsection (a) is not required, the
 35 legislative body shall adopt an ordinance recertifying that the districts
 36 as drawn comply with this section.

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



1 invalid provision or application. The provisions of the ordinance are
2 severable.

3 (m) If a conflict exists between:

4 (1) a map showing the boundaries of a district; and

5 (2) a description of the boundaries of that district set forth in the
6 ordinance;

7 the district boundaries are the description of the boundaries set forth in
8 the ordinance, not the boundaries shown on the map, to the extent there
9 is a conflict between the description and the map.

10 (n) This subsection applies to a town having a population of less
11 than three thousand five hundred (3,500). If the town legislative body
12 has not:

13 (1) adopted an ordinance under subsection (a) and subject to
14 subsection (g) after December 31, 2011; or

15 (2) adopted an ordinance recertifying districts under subsection
16 (k) after December 31, 2011;

17 the town legislative body districts are abolished, effective January 1,
18 2018. A town described by this subsection may adopt an ordinance to
19 establish town legislative body districts in accordance with subsection
20 (a) and subject to subsection (g) after January 1, 2018.

21 SECTION 128. IC 36-5-2-4.2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.2. (a) This section
23 applies to the alteration of the number of members of a legislative
24 body.

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

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

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

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

34 "Shall the number of town council members be increased (or
35 decreased, if applicable) from _____ (insert the current
36 number of members provided for) to _____ (insert the
37 number of members proposed in the resolution)?"

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

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



1 (b) are in the negative, the legislative body may not adopt a resolution
 2 under subsection (b) for at least one (1) year following the date the
 3 prior resolution was adopted.

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

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

18 SECTION 129. IC 36-5-2-4.5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.5. (a) This section
 20 applies to a town if both of the following apply:

21 (1) The town has a population of more than ten thousand
 22 (10,000).

23 (2) The town legislative body adopts an ordinance adopting the
 24 provisions of this section. A town may not adopt an ordinance
 25 under this section during a year in which ~~municipal elections are~~
 26 **a general election is held under:**

27 **(A) IC 3-10-6-5 before January 1, 2024; and**

28 **(B) IC 3-10-7.5 after December 31, 2023.**

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

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

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

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

36 (1) Four (4) members of the legislative body are elected during a
 37 year that ~~municipal elections are a general election is held under:~~

38 **(A) IC 3-10-6-5 before January 1, 2024; and**

39 **(B) IC 3-10-7.5 after December 31, 2023.**

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

41 **(A) during ~~the a presidential election year; before the year~~**
 42 **described in subdivision (1); or**



- 1 (B) during ~~the~~ **a nonpresidential election** year. ~~after the year~~
 2 ~~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)~~ **two (2)** year
 14 term.
- 15 (B) Two (2) members elected under subdivision (2) are elected
 16 to a four (4) year term and one (1) member elected under
 17 subdivision (2) is elected to a ~~three (3)~~ **two (2)** year term.
- 18 The ordinance must provide a random procedure to determine
 19 which members serve four (4) year terms and which members
 20 serve ~~three (3)~~ **two (2)** year terms.
- 21 (5) A member of the town council elected after the elections
 22 described in subdivision (4) serves a term of four (4) years.
- 23 (6) The term of office of a member begins at noon January 1 after
 24 the member's election.
- 25 (d) An ordinance adopted under this section may provide that before
 26 the first election after adoption of the ordinance, members of the town
 27 legislative body added to the legislative body by the ordinance may be
 28 appointed to the legislative body by a vote of the current members of
 29 the legislative body.
- 30 (e) After the first two (2) elections held as described in subsection
 31 (c)(4), the town legislative body may adopt an ordinance to do the
 32 following:
- 33 (1) Divide the town into seven (7) districts.
- 34 (2) Provide that the members elected at large are each elected
 35 from a district.
- 36 An ordinance adopted under this subsection must comply with this
 37 chapter in establishing the districts and provide details to provide a
 38 transition from electing two (2) members at large to electing all
 39 members from districts.
- 40 (f) Subject to this section, members of the town legislative body are
 41 elected as provided in:
- 42 (1) **IC 3-10-6-4.5 before January 1, 2024; and**



1 **(2) IC 3-10-7.5 after December 31, 2023.**

2 SECTION 130. IC 36-5-6-3, AS AMENDED BY P.L.109-2015,
3 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 3. (a) The clerk-treasurer must reside within the
5 town as provided in Article 6, Section 6 of the Constitution of the State
6 of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer
7 ceases to be a resident of the town.

8 (b) Except as provided in subsection (c), (d), (e), or (f), the term of
9 office of the clerk-treasurer is four (4) years, beginning at noon January
10 1 after election and continuing until a successor is elected and
11 qualified.

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

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

15 (2) continues until noon January 1 following the next ~~municipal~~
16 **general** election scheduled under:

17 **(A) IC 3-10-6-5 or IC 3-10-7-6 before January 1, 2024; and**

18 **(B) IC 3-10-7.5 after December 31, 2023;**

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

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

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

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

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

28 **This subsection expires January 1, 2024.**

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

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

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

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

37 **This subsection expires January 1, 2024.**

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

40 (1) the term of office provided by the ordinance, not to exceed
41 four (4) years, for the clerk-treasurer elected in the first election
42 cycle after adoption of the ordinance; and



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

3 **This subsection expires January 1, 2024.**

4 SECTION 131. IC 36-10-3-35 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 35. (a) If the fiscal
6 body approves the petition and adopts the ordinance presented under
7 section 34 of this chapter, the ordinance takes effect.

8 (b) After the adoption of the ordinance, the fiscal body shall certify
9 the question under IC 3-10-9-3 to the county election board of the
10 county containing the greatest percentage of population of the
11 municipality and fix a date for a special election to be held not later
12 than ninety (90) days after adoption. However, if a primary ~~or~~ general
13 ~~or municipal~~ election will be conducted in each precinct in the affected
14 area not later than six (6) months after the ordinance is adopted, the
15 special election shall be conducted on the same day as the primary ~~or~~
16 general ~~or special~~ election. The election shall be held by the county
17 election board in the area described in the petition. IC 3-10-8-6 applies
18 to the special election. Any voter residing in the affected area may vote
19 in the election.

20 (c) The county election board shall give public notice of the special
21 election in accordance with IC 3-10-2-2.

22 (d) The ballot must be in the form prescribed by IC 3-10-9-4 and
23 must state "Shall park and recreation services be extended?".

24 (e) If the special election is not conducted at a general election
25 ~~municipal election~~, or primary election, the fiscal body shall
26 appropriate a sum sufficient to defray the cost of the ballots and to pay
27 the expense of the election as prescribed by IC 3. The appropriation
28 may be from the general fund or by transfer from the operating budget
29 of the department.

30 SECTION 132. [EFFECTIVE JULY 1, 2020] **(a) The legislative**
31 **services agency shall prepare legislation for introduction in the**
32 **2021 regular session of the general assembly to make appropriate**
33 **changes in statutes as required by this act.**

34 **(b) This SECTION expires June 30, 2021.**

