

# HOUSE BILL No. 1061

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## DIGEST OF INTRODUCED BILL

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

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

**Effective:** July 1, 2016.

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## Aylesworth, Morrison

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January 5, 2016, read first time and referred to Committee on Elections and Apportionment.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# HOUSE BILL No. 1061

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

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

1 SECTION 1. IC 3-5-2-33.3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2016]: **Sec. 33.3. "Nonpresidential election year" refers to an**  
4 **even-numbered year that is not a presidential election year.**

5 SECTION 2. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2016]: **Sec. 40.4. "Presidential election year" refers to a year in**  
8 **which an election for electors for President of the United States is**  
9 **held.**

10 SECTION 3. IC 3-5-3-1 IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in  
12 sections 7 through 10 of this chapter, the county auditor shall pay the  
13 expenses of voter registration and for all election supplies, equipment,  
14 and expenses out of the county treasury in the manner provided by law.  
15 The county fiscal body shall make the necessary appropriations for  
16 these purposes.

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



1 of registration the expenses of:

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

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

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

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

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

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

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

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

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

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

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

22 SECTION 4. IC 3-5-3-7 IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2016]: Sec. 7. **(a)** All expenses for a municipal  
24 primary election or municipal election that is conducted by a county  
25 election board shall be allowed by the county executive and shall be  
26 paid out of the general fund of the county, without any appropriation  
27 being required.

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

36 SECTION 5. IC 3-5-3-8 IS AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2016]: Sec. 8. **(a) This section applies only to**  
38 **a municipality's municipal primary elections and municipal**  
39 **elections held in an odd numbered year.**

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



1 expenses of the primary election and election that cannot be chargeable  
2 directly to any municipality shall be apportioned ~~as follows:~~

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

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

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

10 SECTION 6. IC 3-5-3-9 IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Except as provided in  
12 subsection (c), whenever more than one (1) municipality in a county  
13 conducts a municipal primary election **in an odd numbered year**, the  
14 ~~seventy-five percent (75%)~~ of expenses that cannot be chargeable  
15 directly to any particular municipality under section 8 of this chapter  
16 shall be apportioned to each municipality in the same ratio that the  
17 number of voters who cast a ballot in the municipality at the municipal  
18 primary election bears to the total number of voters who cast a ballot  
19 in all of the municipalities in the county at that municipal primary  
20 election.

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

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

34 SECTION 7. IC 3-10-6-1 IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) **Except as provided in**  
36 **subsection (c)**, this chapter applies to municipal and school district  
37 elections in the following municipalities:

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

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

41 (3) ~~Towns~~ **A town** located entirely or partially within a county  
42 having a consolidated city, regardless of ~~their~~ **its** population.



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

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

5 SECTION 8. IC 3-10-6-2, AS AMENDED BY P.L.230-2005,  
6 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2016]: Sec. 2. (a) Except as otherwise provided in ~~this~~  
8 ~~chapter, IC 3-10-7.5~~, a municipal primary election shall be held on the  
9 first Tuesday after the first Monday in May ~~2007 and every four (4)~~  
10 ~~years thereafter. of each year before a presidential election year.~~

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

16 SECTION 9. IC 3-10-6-2.5 IS REPEALED [EFFECTIVE JULY 1,  
17 2016]. Sec. 2.5. (a) This section does not apply to a town located  
18 wholly or partially within a county having a consolidated city unless  
19 the town has a population of more than one thousand (1,000) but less  
20 than one thousand four hundred (1,400):

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

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

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

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

30 (d) The ordinance must provide that:

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

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

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

37 SECTION 10. IC 3-10-6-2.6 IS REPEALED [EFFECTIVE JULY  
38 1, 2016]. Sec. 2.6. (a) This section does not apply to a town located  
39 wholly or partially within a county having a consolidated city:

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

41 (1) under IC 18-3-1-16(b) (before its repeal on September 1,  
42 1981); or



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

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

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

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

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

14 SECTION 11. IC 3-10-6-3 IS REPEALED [EFFECTIVE JULY 1,  
15 2016]. Sec. 3: (a) Notwithstanding section 2 of this chapter; in a town  
16 that adopted an ordinance under IC 18-3-1-16(b) (before its repeal on  
17 September 1, 1981); P.L.13-1982, SECTION 3 (before its expiration on  
18 January 1, 1988); or section 2.5 of this chapter each political party  
19 shall; at the primary election in:

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

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

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

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

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

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

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

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

41 SECTION 12. IC 3-10-6-4.5 IS REPEALED [EFFECTIVE JULY  
42 1, 2016]. Sec. 4.5: (a) Notwithstanding section 2 of this chapter; this



1 section applies to a town with a legislative body that adopts an  
2 ordinance under IC 36-5-2-4.5:

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

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

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

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

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

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

21 (B) Candidates for all other town offices other than the town  
22 legislative body.

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

28 The primary election is conducted under this chapter.

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

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

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

37 (B) All other town offices other than the town legislative body.

38 (2) During a year in which candidates for the town legislative  
39 body are nominated under subsection (c)(2), three (3) members of  
40 the town legislative body, two (2) of whom are elected from  
41 districts and one (1) who is elected at large. If the town legislative  
42 body adopts an ordinance under IC 36-5-2-4.5(e), all members are



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





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

7 SECTION 15. IC 3-10-7-1 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This chapter  
 9 applies to municipal elections in towns having a town:

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

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

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

16 SECTION 16. IC 3-10-7-2.5 IS REPEALED [EFFECTIVE JULY  
 17 1, 2016]. Sec. 2.5: (a) This section does not apply to a town located  
 18 wholly or partially within a county having a consolidated city unless  
 19 the town has a population of more than one thousand (1,000) but less  
 20 than one thousand four hundred (1,400):

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

25 SECTION 17. IC 3-10-7-2.7 IS REPEALED [EFFECTIVE JULY  
 26 1, 2016]. Sec. 2.7: (a) This section does not apply to a town located  
 27 wholly or partially within a county having a consolidated city:

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

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

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

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

41 (3) The municipal elections for town offices shall be held during  
 42 a general election:



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

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

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

7 SECTION 18. IC 3-10-7-2.9 IS REPEALED [EFFECTIVE JULY  
8 1, 2016]. Sec. 2-9: (a) This section does not apply to a town located  
9 wholly or partially within a county having a consolidated city:

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

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

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

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

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

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

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

32 (6) That the term of office of each town officer begins on January  
33 1 after the election:

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

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

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

40 SECTION 19. IC 3-10-7-3 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. If a town has  
42 established staggered terms for its town council, or has adopted an



1 ordinance under section 2.7 or 2.9 of this chapter **(before their**  
 2 **repeal)**, the county election board shall conduct a municipal election  
 3 in that town that coincides with a general election.

4 SECTION 20. IC 3-10-7-5 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The county election  
 6 board shall conduct a municipal election in a town that is located in a  
 7 county having a consolidated city. The county election board shall  
 8 conduct the municipal election in the same manner as it conducts a  
 9 consolidated city election. ~~However, a town that is subject to this~~  
 10 ~~section is not required to reimburse the county for any of the expenses~~  
 11 ~~of conducting a municipal election.~~

12 SECTION 21. IC 3-10-7.5 IS ADDED TO THE INDIANA CODE  
 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2016]:

15 **Chapter 7.5. Municipal Elections in Even Numbered Years**

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

18 **(b) A municipality that has not adopted an ordinance under this**  
 19 **chapter shall elect its public officials to each municipal office under**  
 20 **the election schedule the municipality conducted its municipal**  
 21 **elections in effect in 2015 under IC 3-10-6 (before its amendment**  
 22 **in 2016) or under IC 3-10-7 (before its amendment in 2016).**

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

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

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

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

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

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

35 **(1) A designation of those elected municipal officers that will**  
 36 **be elected in a nonpresidential election year.**

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

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

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

42 **(C) serve a term of three (3) years.**



- 1           **(3) That the successors of the elected municipal officers**
- 2           **electd as provided in subdivision (2) will:**
- 3           **(A) be electd at the next nonpresidential election year;**
- 4           **(B) take office January 1 of the following year; and**
- 5           **(C) be electd and take office every four (4) years**
- 6           **thereafter.**
- 7           **(4) A designation of those electd municipal officers that will**
- 8           **be electd in a presidential election year.**
- 9           **(5) That the electd municipal officers designatd under**
- 10           **subdivision (4) will:**
- 11           **(A) be electd the following year;**
- 12           **(B) take office January 1 of the next presidential election**
- 13           **year; and**
- 14           **(C) serve a term of one (1) year.**
- 15           **(6) That the successors of the electd municipal officers**
- 16           **electd as provided in subdivision (5) will:**
- 17           **(A) be electd in the next presidential election year;**
- 18           **(B) take office January 1 of the following year; and**
- 19           **(C) be electd and take office every four (4) years**
- 20           **thereafter.**
- 21           **(c) An ordinance adoptd under this section may provide for**
- 22           **any of the following:**
- 23           **(1) All the municipality's electd officers are electd in a**
- 24           **presidential election year.**
- 25           **(2) All the municipality's electd officers are electd in a**
- 26           **nonpresidential election year.**
- 27           **(3) The municipality's electd officers are electd in any**
- 28           **combination specifd in the ordinance in both the**
- 29           **presidential election year and the nonpresidential election**
- 30           **year.**
- 31           **Sec. 4. Notwithstanding IC 3-10-6 or IC 3-10-7, a municipality**
- 32           **may repeal an ordinance adoptd under IC 3-10-6 (as in effect**
- 33           **before July 1, 2016) or IC 3-10-7 (as in effect before July 1, 2016)**
- 34           **that establishd a schedule of elections when it adoptd an ordinance**
- 35           **under this chapter.**
- 36           **Sec. 5. (a) A municipality may not repeal an ordinance adoptd**
- 37           **under this chapter.**
- 38           **(b) A municipality may amend an ordinance adoptd under this**
- 39           **chapter to do the following:**
- 40           **(1) Make technical or other nonsubstantive changes to the**
- 41           **ordinance.**
- 42           **(2) Change the schedule of election of one (1) or more electd**



1           municipal offices, subject to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

42          (e) A candidate's consent to the nomination must include a



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

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

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

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

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

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

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

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

- 42 (1) upon written request of their counterpart election officers



1           **in the county with the greatest percentage of the population**  
 2           **of the municipality, establish precincts in the municipality;**  
 3           **and**

4           **(2) supply the precincts established under subdivision (1) with**  
 5           **poll lists and perform all other duties under this title as if the**  
 6           **voters were inhabitants of a municipality with the greatest**  
 7           **percentage of its population within that county.**

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

12           SECTION 22. IC 33-35-1-1, AS AMENDED BY P.L.164-2006,  
 13           SECTION 141, IS AMENDED TO READ AS FOLLOWS  
 14           [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) During ~~2006 and every fourth~~  
 15           ~~year after that;~~ **every nonpresidential election year (as defined in**  
 16           **IC 3-5-2-33.3)**, a second or third class city or a town may by ordinance  
 17           establish or abolish a city or town court. An ordinance to establish a  
 18           city or town court must be adopted not less than one (1) year before the  
 19           judge's term would begin under section 3 of this chapter.

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

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

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

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

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

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

36           SECTION 23. IC 33-35-1-2 IS AMENDED TO READ AS  
 37           FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) This section  
 38           applies to a town that:

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

42           **(2) subsequently adopts an ordinance to establish a town court**



1 under section 1 of this chapter.

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

7 SECTION 24. IC 33-35-1-3, AS AMENDED BY P.L.109-2015,  
8 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2016]: Sec. 3. (a) The judge of a city or town court shall be  
10 elected under IC 3-10-6, ~~or~~ IC 3-10-7, **or IC 3-10-7.5**, by the voters of  
11 the city or town.

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

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

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

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

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

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

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

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

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

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

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

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

42 **(f) This subsection applies to a municipality that has adopted an**





1 **ordinance under IC 3-10-7.5. The term of office of:**  
 2 **(1) a judge elected in the first election cycle after adoption of**  
 3 **the ordinance is the term of office provided by the ordinance,**  
 4 **not greater than four (4) years; and**  
 5 **(2) the successors of the judge described in subdivision (1) is**  
 6 **four (4) years.**  
 7 ~~(f)~~ **(g)** Before beginning the duties of office, the judge shall, in the  
 8 manner prescribed by IC 5-4-1, execute a bond conditioned upon the  
 9 faithful discharge of the duties of office.  
 10 SECTION 25. IC 36-3-3-2 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A mayor, who is  
 12 the executive of both the consolidated city and the county, shall be  
 13 elected under:  
 14 **(1) IC 3-10-6; or**  
 15 **(2) IC 3-10-7.5, if an ordinance has been adopted under**  
 16 **IC 3-10-7.5;**  
 17 by the voters of the whole county.  
 18 (b) To be eligible to serve as the executive, a person must meet the  
 19 qualifications prescribed by IC 3-8-1-24.  
 20 (c) The term of office of an executive is four (4) years, beginning at  
 21 noon on January 1 after election and continuing until a successor is  
 22 elected and qualified.  
 23 SECTION 26. IC 36-3-4-2, AS AMENDED BY P.L.266-2013,  
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2016]: Sec. 2. (a) A city-county council, which is the  
 26 legislative body of both the consolidated city and the county, shall be  
 27 elected under:  
 28 **(1) IC 3-10-6; or**  
 29 **(2) IC 3-10-7.5, if an ordinance has been adopted under**  
 30 **IC 3-10-7.5;**  
 31 by the voters of the county. The city-county council consists of ~~the~~  
 32 ~~following members:~~  
 33 ~~(1) Before January 1, 2016, twenty-nine (29) members:~~  
 34 ~~(2) After December 31, 2015, twenty-five (25) members.~~  
 35 (b) To be eligible to serve as a member of the legislative body, a  
 36 person must meet the qualifications prescribed by IC 3-8-1-25.  
 37 (c) A member of the legislative body must reside within:  
 38 (1) the county as provided in Article 6, Section 6 of the  
 39 Constitution of the State of Indiana; and  
 40 (2) the district from which the member was elected.  
 41 (d) A vacancy in the legislative body occurs whenever a member:  
 42 (1) dies, resigns, or is removed from office;



1 (2) ceases to be a resident of the district from which the member  
 2 was elected; or  
 3 (3) is incapacitated to the extent that the member is unable to  
 4 perform the member's duties for more than six (6) months.

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

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

9 SECTION 27. IC 36-4-5-2 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A mayor, who is  
 11 the city executive, shall be elected under:

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

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

15 by the voters of each city.

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

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

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

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

29 SECTION 28. IC 36-4-6-2 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A common  
 31 council, which is the city legislative body, shall be elected under:

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

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

35 by the voters of each city.

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

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

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



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

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

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

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

9 SECTION 29. IC 36-5-2-2 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The town council  
11 elected under IC 3-10-6, ~~or~~ IC 3-10-7, **or IC 3-10-7.5** is the town  
12 legislative body. The president of the town council selected under  
13 section 7 of this chapter is the town executive.

14 SECTION 30. IC 36-5-2-3, AS AMENDED BY P.L.109-2015,  
15 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2016]: Sec. 3. (a) Except as provided in subsection **(b) or (c),**  
17 ~~(b); (c); (d); (e); (f); or (g);~~ the term of office of a member of the  
18 legislative body is four (4) years, beginning at noon January 1 after the  
19 member's election and continuing until the member's successor is  
20 elected and qualified.

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

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

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

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

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

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

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

41 ~~(e) The term of office of a member of a legislative body subject to~~  
42 ~~an ordinance described by IC 3-10-6-2.6 is one (1) year, beginning at~~



1 noon January † after the member's election and continuing until the  
2 member's successor is elected and qualified.

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

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

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

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

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

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

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

18 SECTION 31. IC 36-5-2-4.1, AS AMENDED BY P.L.271-2013,  
19 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2016]: Sec. 4.1. (a) The legislative body may, by ordinance,  
21 divide the town into districts for the purpose of conducting elections of  
22 town officers.

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

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

27 (2) The district must be reasonably compact.

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

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

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

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

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

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



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

- 4 (1) is contiguous to that territory; and  
 5 (2) contains the least population of all districts contiguous to that  
 6 territory.

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

- 10 (1) is one (1) of the districts in which the territory is described in  
 11 the ordinance adopted under this section;  
 12 (2) is contiguous to that territory; and  
 13 (3) contains the least population of all districts contiguous to that  
 14 territory.

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

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

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

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

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

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

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

- 33 (1) may not be adopted or repealed during a year in which a  
 34 municipal election is scheduled to be conducted in the town under  
 35 IC 3-10-6, ~~or~~ IC 3-10-7, **or IC 3-10-7.5**; and  
 36 (2) is effective upon passage.

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

- 42 (1) adopted under subsection (a); or



1 (2) recertified under subsection (k).  
 2 (k) This subsection applies during the second year after a year in  
 3 which a federal decennial census is conducted. If the legislative body  
 4 determines that a division under subsection (a) is not required, the  
 5 legislative body shall adopt an ordinance recertifying that the districts  
 6 as drawn comply with this section.

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

15 (m) If a conflict exists between:  
 16 (1) a map showing the boundaries of a district; and  
 17 (2) a description of the boundaries of that district set forth in the  
 18 ordinance;

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

22 SECTION 32. IC 36-5-2-4.5 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) This section  
 24 applies to a town if both of the following apply:

25 (1) The town has a population of more than ten thousand  
 26 (10,000).

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

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

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

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

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

38 (1) Four (4) members of the legislative body are elected during a  
 39 year that municipal elections are held under IC 3-10-6-5.

40 (2) Three (3) members of the legislative body are elected either:  
 41 (A) during the year before the year described in subdivision  
 42 (1); or



- 1 (B) during the year after the year described in subdivision (1).  
 2 The year for elections under this subdivision must be chosen so  
 3 that during the elections held for the town legislative body under  
 4 subdivision (4), a member of the town legislative body does not  
 5 serve a term of more than four (4) years.  
 6 (3) The members of the legislative body elected at large may not  
 7 be elected at the same time.  
 8 (4) At the first two (2) elections after the ordinance is adopted,  
 9 members are elected to serve the following terms:  
 10 (A) Two (2) members elected under subdivision (1) are  
 11 elected to a four (4) year term and two (2) members elected  
 12 under subdivision (1) are elected to a three (3) year term.  
 13 (B) Two (2) members elected under subdivision (2) are elected  
 14 to a four (4) year term and one (1) member elected under  
 15 subdivision (2) is elected to a three (3) year term.  
 16 The ordinance must provide a random procedure to determine  
 17 which members serve four (4) year terms and which members  
 18 serve three (3) year terms.  
 19 (5) A member of the town council elected after the elections  
 20 described in subdivision (4) serves a term of four (4) years.  
 21 (6) The term of office of a member begins at noon January 1 after  
 22 the member's election.  
 23 (d) An ordinance adopted under this section may provide that before  
 24 the first election after adoption of the ordinance, members of the town  
 25 legislative body added to the legislative body by the ordinance may be  
 26 appointed to the legislative body by a vote of the current members of  
 27 the legislative body.  
 28 (e) After the first two (2) elections held as described in subsection  
 29 (c)(4), the town legislative body may adopt an ordinance to do the  
 30 following:  
 31 (1) Divide the town into seven (7) districts.  
 32 (2) Provide that the members elected at large are each elected  
 33 from a district.  
 34 An ordinance adopted under this subsection must comply with this  
 35 chapter in establishing the districts and provide details to provide a  
 36 transition from electing two (2) members at large to electing all  
 37 members from districts.  
 38 (f) Subject to this section, members of the town legislative body are  
 39 elected as provided in ~~IC 3-10-6-4.5~~. **IC 3-10-6.**  
 40 SECTION 33. IC 36-5-6-3, AS AMENDED BY P.L.109-2015,  
 41 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2016]: Sec. 3. (a) The clerk-treasurer must reside within the



1 town as provided in Article 6, Section 6 of the Constitution of the State  
 2 of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer  
 3 ceases to be a resident of the town.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

