



Reprinted
March 3, 2020

ENGROSSED

HOUSE BILL No. 1222

DIGEST OF HB 1222 (Updated March 2, 2020 6:24 pm - DI 104)

Citations Affected: IC 3-5; IC 3-6; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-12; IC 3-13; IC 3-14; IC 5-4; IC 5-8; IC 6-1.1; IC 20-23; IC 20-46; IC 33-35; IC 35-52; IC 36-1; IC 36-1.5; IC 36-5.

Synopsis: Miscellaneous election law matters. Allows an individual who is an unopposed candidate for township office to be appointed and serve as a precinct election officer at any vote center if certain conditions are met. Abolishes city and town conventions for nomination of candidates for municipal offices, beginning January 1, 2021. Abolishes town election boards. Provides that a local public question may not be placed on the ballot in a year after a presidential election year. Provides that a school referendum tax levy or a school safety referendum tax levy may be reimposed or extended in 2021, 2025, or 2027 if the school corporation would have been permitted to reimpose or extend the levy under statutes as in effect before January 1, 2020. Provides that if a precinct is divided to assign some of the
(Continued next page)

Effective: Upon passage; July 1, 2020; January 1, 2021.

Wesco, Boy

(SENATE SPONSORS — WALKER, GASKILL, CRANE)

January 13, 2020, read first time and referred to Committee on Elections and Apportionment.
January 23, 2020, amended, reported — Do Pass.
January 27, 2020, read second time, ordered engrossed.
January 28, 2020, engrossed. Read third time, passed. Yeas 71, nays 27.
SENATE ACTION
February 11, 2020, read first time and referred to Committee on Elections.
February 18, 2020, amended, reported favorably — Do Pass.
February 27, 2020, read second time, amended, ordered engrossed. Returned to second reading.
February 28, 2020, engrossed.
March 2, 2020, re-read second time, amended, ordered engrossed.

EH 1222—LS 7000/DI 75



Digest Continued

territory of the precinct to a municipality because of an annexation, any part of the divided precinct may form a separate precinct that does not comply with the requirement that a precinct may not be established with fewer than 600 active voters. Authorizes a county executive to request from the Indiana election commission a waiver of the requirement that a precinct must have at least 600 active voters. Provides that in order for a precinct committeeman or a precinct vice committeeman (exercising the precinct committeeman's proxy) to participate in a caucus to fill a vacancy, the committeeman or vice committeeman must be entitled to vote for the office for which a successor is to be selected in the caucus. Provides that an individual who is at least 16 years of age but younger than 18 years of age may perform certain functions relating to absentee voting if the individual satisfies certain criteria. Provides that the adoption, rescission, or amendment of a vote center plan does not require the unanimous vote of the entire membership of the board if: (1) a majority vote of the entire membership of the board votes to adopt, rescind, or amend the vote center plan; and (2) at least two of the members of the board voting to adopt, rescind, or amend the vote center plan are members of different political parties. Establishes a procedure for processing the absentee ballot of a voter who fails to complete the casting of the voter's absentee ballot before an absentee voter board. Establishes a procedure for a member of the state recount commission to appoint a proxy. Establishes an administrative procedure to remove a township board member who is no longer a resident of the township. Makes conforming changes.

EH 1222—LS 7000/DI 75



Reprinted
March 3, 2020

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.

ENGROSSED HOUSE BILL No. 1222

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 3-5-2-40.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 40.4. "Presidential election year" refers to**
4 **a year in which an election for electors for President of the United**
5 **States is held.**
- 6 SECTION 2. IC 3-5-3-8, AS AMENDED BY P.L.74-2017,
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2020]: Sec. 8. (a) ~~Except as provided in subsection (b),~~
9 During the period that begins ninety (90) days before a municipal
10 primary election and continues until the day after the following
11 municipal election, all expenses of the primary election and election
12 that cannot be chargeable directly to any municipality shall be
13 apportioned as follows:
- 14 (1) Twenty-five percent (25%) to the county.
15 (2) Seventy-five percent (75%) to the municipalities in the county
16 holding the municipal primary election and municipal election.
17 ~~(b) The apportionment made under subsection (a) does not apply to~~

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1 a town that has entered into an agreement with the county under
 2 IC 3-10-7-4 to pay the county a fixed amount for the expenses
 3 described in subsection (a):

4 ~~(c)~~ **(b)** This subsection applies to a county that is designated as a
 5 vote center county under IC 3-11-18.1. During the period that begins
 6 ninety (90) days before a municipal primary election and continues
 7 until the day after the following municipal election, all expenses
 8 incurred by the county in conducting the municipal primary election
 9 and municipal election shall be apportioned among the municipalities
 10 in the county holding a municipal primary and municipal election.

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

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

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

35 ~~(d)~~ **(c)** This subsection

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

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

42 All expenses incurred by the county in conducting the municipal



1 primary election and municipal election shall be apportioned to each
 2 municipality in the same ratio that the number of voters who cast a
 3 ballot in the municipality at the municipal primary election or the
 4 municipal election bears to the total number of voters who cast a ballot
 5 in all of the municipalities in the county at that municipal primary
 6 election or municipal election.

7 SECTION 4. IC 3-5-4-1.2, AS ADDED BY P.L.124-2012,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2020]: Sec. 1.2. (a) Whenever this title requires that a
 10 document declaring or certifying the candidacy of a person be filed
 11 with the election division or the secretary of state as a condition for the
 12 filing to be effective, **none of the following may accept the filing on**
 13 **behalf of the election division or the secretary of state:**

- 14 (1) A county election board.
- 15 (2) A circuit court clerk.
- 16 (3) A county voter registration office.
- 17 (4) A board of elections and registration. ~~or~~
- 18 ~~(5) a town election board;~~

19 ~~may not accept the filing on behalf of the election division or the~~
 20 ~~secretary of state:~~

21 (b) A county election board, circuit court clerk, county voter
 22 registration office, ~~or~~ board of elections and registration ~~or town~~
 23 ~~election board~~ that accepts a document that is required to be filed with
 24 the election division or the secretary of state as a condition for the
 25 filing to be effective:

- 26 (1) may not act as an agent of the election division or the
 27 secretary of state; and
- 28 (2) is not required to transmit the filing to the election division or
 29 the secretary of state.

30 (c) If a board, office, or clerk referred to in subsection (a)(1) through
 31 ~~(a)(5)~~ **(a)(4)** accepts a document that is required to be filed with the
 32 election division or the secretary of state as a condition for the filing to
 33 be effective, the following apply:

- 34 (1) The filing is void.
- 35 (2) The name of a candidate set forth in the filing may not appear
 36 on the ballot, unless the document is filed with the election
 37 division or the secretary of state in the manner required by this
 38 title.

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



1 (1) Conduct all elections and administer the election laws within
 2 the county, except as provided in IC 3-8-5 and ~~IC 3-10-7~~ **(before**
 3 **its expiration)** for town conventions and municipal elections in
 4 certain small towns.

5 (2) Prepare all ballots.

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

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

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

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

19 ~~(+)~~ conducted at the same time as a primary or general election
 20 during an even-numbered year. ~~or~~

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

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

36 SECTION 7. IC 3-6-6-27 IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2020]: Sec. 27. The county executive shall fix
 38 the compensation paid under sections 25 and 26 of this chapter for all
 39 elections. ~~except municipal elections held by towns under IC 3-10-7.~~
 40 ~~The fiscal body of a town holding a municipal election under IC 3-10-7~~
 41 ~~shall fix the compensation paid under sections 25 and 26 of this~~
 42 ~~chapter.~~



1 SECTION 8. IC 3-8-1-1.5, AS AMENDED BY P.L.173-2015,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2020]: Sec. 1.5. (a) This section applies to a candidate for any
 4 of the following offices:

5 (1) Judge of a city court in a city located in a county having a
 6 population of more than two hundred fifty thousand (250,000) but
 7 less than two hundred seventy thousand (270,000).

8 (2) Judge of a town court.

9 (b) A person is not qualified to run for an office subject to this
 10 section unless not later than the deadline for filing the declaration or
 11 petition of candidacy or certificate of nomination the person is
 12 registered to vote in a county in which the municipality is located.

13 (c) Except as provided in IC 33-35-5-7.5, before a candidate for the
 14 office of judge of a city court described in subsection (a)(1) or a town
 15 court may file a:

16 (1) declaration of candidacy or petition of nomination;

17 (2) certificate of candidate selection under IC 3-13-1-15 or
 18 IC 3-13-2-8; or

19 (3) declaration of intent to be a write-in candidate or certificate of
 20 nomination under IC 3-8-2-2.5; ~~or IC 3-10-6-12;~~

21 the candidate must be an attorney in good standing admitted to the
 22 practice of law in Indiana.

23 SECTION 9. IC 3-8-1-2, AS AMENDED BY P.L.278-2019,
 24 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2020]: Sec. 2. (a) This section does not apply to a candidate
 26 challenged under IC 3-8-8.

27 (b) The commission ~~or a county election board or a town election~~
 28 ~~board~~ shall act if a candidate (or a person acting on behalf of a
 29 candidate in accordance with ~~state~~ **Indiana** law) has filed any of the
 30 following:

31 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5 (**before**
 32 **its expiration**).

33 (2) A request for ballot placement in a presidential primary under
 34 IC 3-8-3.

35 (3) A petition of nomination or candidate's consent to nomination
 36 under IC 3-8-2.5 or IC 3-8-6.

37 (4) A certificate of nomination under IC 3-8-5 (**before its**
 38 **expiration**), IC 3-8-7 ~~or IC 3-10-2-15. or IC 3-10-6-12.~~

39 (5) A certificate of candidate selection under IC 3-13-1 or
 40 IC 3-13-2.

41 (6) A declaration of intent to be a write-in candidate under
 42 IC 3-8-2-2.5.



- 1 (7) A contest to the denial of certification under IC 3-8-2.5 or
2 IC 3-8-6-12.
- 3 (c) The commission has jurisdiction to act under this section with
4 regard to any filing described in subsection (b) that was made with the
5 election division. ~~Except for a filing under the jurisdiction of a town~~
6 ~~election board~~; A county election board has jurisdiction to act under
7 this section with regard to any filing described in subsection (b) that
8 was made with the county election board, county voter registration
9 office, or the circuit court clerk. ~~A town election board has jurisdiction~~
10 ~~to act under this section with regard to any filing that was made with~~
11 ~~the county election board, the county voter registration office, or the~~
12 ~~circuit court clerk for nomination or election to a town office.~~
- 13 (d) Except as provided in subsection (f), before the commission or
14 election board acts under this section, a registered voter of the election
15 district that a candidate seeks to represent or a county chairman of a
16 major political party of a county in which any part of the election
17 district is located must file a sworn statement before a person
18 authorized to administer oaths, with the election division or election
19 board:
- 20 (1) questioning the eligibility of the candidate to seek the office;
21 and
22 (2) setting forth the facts known to the voter or county chairman
23 of a major political party of a county concerning this question.
- 24 (e) The eligibility of a write-in candidate or a candidate nominated
25 by a convention, petition, or primary may not be challenged under this
26 section if the commission or board determines that all of the following
27 occurred:
- 28 (1) The eligibility of the candidate was challenged under this
29 section before the candidate was nominated.
30 (2) The commission or board conducted a hearing on the affidavit
31 before the nomination.
32 (3) This challenge would be based on substantially the same
33 grounds as the previous challenge to the candidate.
- 34 (f) Before the commission or election board can consider a contest
35 to the denial of a certification under IC 3-8-2.5 or IC 3-8-6-12, a
36 candidate (or a person acting on behalf of a candidate in accordance
37 with state law) must file a sworn statement with the election division
38 or election board:
- 39 (1) stating specifically the basis for the contest; and
40 (2) setting forth the facts known to the candidate supporting the
41 basis for the contest.
- 42 (g) Upon the filing of a sworn statement under subsection (d) or (f),



1 the commission or election board shall determine the validity of the
2 questioned:

- 3 (1) declaration of candidacy;
4 (2) declaration of intent to be a write-in candidate;
5 (3) request for ballot placement under IC 3-8-3;
6 (4) petition of nomination;
7 (5) certificate of nomination;
8 (6) certificate of candidate selection issued under IC 3-13-1-15 or
9 IC 3-13-2-8; or
10 (7) denial of a certification under IC 3-8-2.5 or IC 3-8-6-12.

11 (h) The commission or election board shall deny a filing if the
12 commission or election board determines that the candidate has not
13 complied with the applicable requirements for the candidate set forth
14 in the Constitution of the United States, the Constitution of the State of
15 Indiana, or this title.

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

- 20 (1) is defeated in a primary election;
21 (2) appears as a candidate for nomination at a convention and is
22 defeated;
23 (3) files a declaration of candidacy for nomination by a county
24 city, or town convention and is defeated; or
25 (4) files a declaration of candidacy for nomination by a caucus
26 conducted under IC 3-13-1 or IC 3-13-2 and is defeated;

27 is not eligible to become a candidate for the same office in the next
28 general or municipal election.

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

- 30 (1) a candidate for an at-large seat on a fiscal body is considered
31 a candidate for the same office as a candidate for a district seat on
32 a fiscal body; and
33 (2) a candidate for United States representative from a district in
34 Indiana is considered a candidate for the same office as a
35 candidate for any other congressional district in Indiana.

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

38 SECTION 11. IC 3-8-1-28.5, AS AMENDED BY P.L.173-2015,
39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2020]: Sec. 28.5. (a) This section does not apply to a
41 candidate for the office of judge of a city court in a city located in a
42 county having a population of more than two hundred fifty thousand



1 (250,000) but less than two hundred seventy thousand (270,000).

2 (b) A candidate for the office of judge of a city court must reside in
3 the city upon filing any of the following:

4 (1) A declaration of candidacy or declaration of intent to be a
5 write-in candidate required under IC 3-8-2.

6 (2) A petition of nomination under IC 3-8-6.

7 ~~(3) A certificate of nomination under IC 3-10-6-12.~~

8 (c) A candidate for the office of judge of a city court must reside in
9 a county in which the city is located upon the filing of a certificate of
10 candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

11 (d) Before a candidate for the office of judge of a city court may file
12 a:

13 (1) declaration of candidacy or petition of nomination;

14 (2) certificate of candidate selection under IC 3-13-1-15 or
15 IC 3-13-2-8; or

16 (3) declaration of intent to be a write-in candidate ~~or certificate of~~
17 ~~nomination~~ under IC 3-8-2-2.5; ~~or IC 3-10-6-12;~~

18 the candidate must be an attorney in good standing admitted to the
19 practice of law in Indiana.

20 SECTION 12. IC 3-8-5-18 IS ADDED TO THE INDIANA CODE
21 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2020]: **Sec. 18. This chapter expires January 1, 2021.**

23 SECTION 13. IC 3-8-6-11, AS AMENDED BY P.L.194-2013,
24 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2020]: Sec. 11. (a) Whenever a town is wholly or partly
26 located in a county having a consolidated city, a petition of nomination
27 must be filed with the circuit court clerk of the county having the
28 consolidated city.

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

32 ~~(c)~~ (b) When a petition is filed under ~~subsection (a) or (b)~~ **this**
33 **section** for nomination to an office whose election district is in more
34 than one (1) county, the circuit court clerk or board of registration shall
35 examine the voter registration records of each county in the election
36 district to determine if each petitioner is eligible to vote for the
37 candidates being nominated by the petition.

38 SECTION 14. IC 3-8-7-3 IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Except as provided in
40 subsection (b), an error in certification discovered before sixty (60)
41 days before a general election shall be corrected by the public officials
42 charged with the duties of certification.



1 (b) An error in certification of candidates for a town office under
 2 IC 3-8-5 (**before its expiration**) discovered before September 18
 3 before a town election shall be corrected by the public officials charged
 4 with the duties of certification.

5 SECTION 15. IC 3-8-7-10, AS AMENDED BY P.L.128-2017,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 10. (a) This section applies to a county ~~city, or~~
 8 ~~town~~ convention conducted by a political party described by
 9 IC 3-8-4-1.

10 (b) A certificate of nomination by convention or primary election
 11 must satisfy all of the following:

12 (1) Be in writing.

13 (2) Contain all of the following information for each person
 14 nominated:

15 (A) The name of each person nominated as:

16 (i) the person wants the person's name to appear on the
 17 ballot; and

18 (ii) the person's name is permitted to appear on the ballot
 19 under IC 3-5-7.

20 (B) Each person's residence address.

21 (C) The office for which each person is nominated.

22 (3) Be signed by the chairman and secretary of the county, ~~city, or~~
 23 ~~town committee~~, who shall also give their respective places of
 24 residence and acknowledge the certificate before an individual
 25 authorized to administer oaths under IC 33-42-9. The signed
 26 acknowledgment must be included in the certificate of nomination
 27 executed under this section.

28 SECTION 16. IC 3-8-7-11, AS AMENDED BY P.L.225-2011,
 29 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2020]: Sec. 11. (a) Except as provided in subsection (f), if a
 31 political party has filed a statement with the election division (or any
 32 of its predecessors) that the device selected by the political party be
 33 used to designate the candidates of the political party on the ballot for
 34 all elections throughout the state, the device must be used until:

35 (1) the device is changed in accordance with party rules; and

36 (2) a statement concerning the use of the new device is filed with
 37 the election division.

38 (b) Except as provided in subsection (c), the device may be any
 39 appropriate symbol.

40 (c) A political party or an independent candidate may not use any of
 41 the following as a device:

42 (1) A symbol that has previously been filed by a political party or



- 1 candidate with the election division (or any of its predecessors).
 2 (2) The coat of arms or seal of the state or of the United States.
 3 (3) The national or state flag.
 4 (4) Any other emblem common to the people.
 5 (d) Not later than noon on the date specified under section 16 of this
 6 chapter for the certification of candidates and public questions by the
 7 election division, the election division shall provide each county
 8 election board with a camera-ready copy of the device under which the
 9 candidates of the political party or the petitioner are to be listed so that
 10 ballots may be prepared using the best possible reproduction of the
 11 device.
 12 (e) This subsection applies to a candidate or political party whose
 13 device is not filed with the election division under subsection (a) and
 14 is to be printed only on ballots to identify candidates for election to a
 15 local office. Not later than noon on the date specified under section 16
 16 of this chapter for the certification of candidates and public questions
 17 by the election division, the chairman of the political party or the
 18 petitioner of nomination shall file a camera-ready copy of the device
 19 under which the candidates of the political party or the petitioner are
 20 to be listed with the county election board of each county in which the
 21 name of the candidate or party will be placed on the ballot. ~~The county~~
 22 ~~election board shall provide the camera-ready copy of the device to the~~
 23 ~~town election board of a town located wholly or partially within the~~
 24 ~~county upon request by the town election board.~~
 25 (f) If a copy of the device is not filed in accordance with subsection
 26 (a) or (e), or unless a device is designated in accordance with section
 27 26 or 27 of this chapter, the county election board ~~or town election~~
 28 ~~board~~ is not required to use any device to designate the list of
 29 candidates.
 30 (g) If a device is filed with the election division or an election board
 31 after the commencement of printing of ballots for use at an election
 32 conducted under this title, the election board responsible for printing
 33 the ballots is not required to alter the ballots to include the device filed
 34 under this subsection.
 35 SECTION 17. IC 3-8-7-22 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) This section
 37 applies if a person nominated by two (2) or more political parties or as
 38 an independent candidate and as the nominee of at least one (1)
 39 political party does not make and file an election as required by section
 40 21 of this chapter.
 41 (b) The election division or circuit court clerk shall make the
 42 election for the person.



1 (c) The election division or clerk shall give preference to the
 2 nomination made by primary election and secondly to the nomination
 3 given by convention. If the candidate is nominated by more than one
 4 (1) convention or more than one (1) petition and the candidate does not
 5 make the election, the election division or clerk shall give preference
 6 to the first certificate of nomination for a convention given to the
 7 candidate under IC 3-8-5-13 (**before its expiration**) or IC 3-8-7-8 or
 8 the first petition of nomination given to the candidate under
 9 IC 3-8-6-10.

10 SECTION 18. IC 3-8-7-28, AS AMENDED BY P.L.216-2015,
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2020]: Sec. 28. (a) Except as provided in subsections (b) and
 13 (c), if a nominee certified under this chapter, IC 3-8-5 (**before its**
 14 **expiration**), IC 3-8-6, or IC 3-10-1 desires to withdraw as the nominee,
 15 the nominee must file a notice of withdrawal in writing with the public
 16 official with whom the certificate of nomination was filed by noon:

- 17 (1) July 15 before a general or municipal election;
- 18 (2) August 1 before a municipal election in a town subject to
 19 IC 3-8-5-10 (**before its expiration**);
- 20 (3) on the date specified for town convention nominees under
 21 IC 3-8-5-14.5 (**before its expiration**);
- 22 (4) on the date specified for declared write-in candidates under
 23 IC 3-8-2-2.7;
- 24 (5) on the date specified for a school board candidate under
 25 IC 3-8-2.5-4; or
- 26 (6) forty-five (45) days before a special election.

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

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

37 SECTION 19. IC 3-8-9-5, AS AMENDED BY P.L.278-2019,
 38 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2020]: Sec. 5. An individual required to file a statement under
 40 section 4 of this chapter shall file the statement as follows:

- 41 (1) With the individual's:
 - 42 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5



- 1 **(before its expiration);**
 2 (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6 for an
 3 office described in IC 3-8-2-5 in a county with a separate
 4 board of registration under IC 3-7-12 after certification by the
 5 board of registration;
 6 (C) petition of nomination under IC 3-8-2.5 or IC 3-8-6 for an
 7 office described in IC 3-8-2-5 in a county that does not have a
 8 separate board of registration under IC 3-7-12;
 9 (D) petition of nomination under IC 3-8-6 for an office
 10 described in IC 3-8-2-5 after certification by the county voter
 11 registration office;
 12 (E) certificate of nomination under IC 3-10-2-15; ~~or~~
 13 ~~IC 3-10-6-12;~~
 14 (F) statement consenting to be a replacement candidate under
 15 IC 3-8-6-17;
 16 (G) declaration of intent to be a write-in candidate under
 17 IC 3-8-2-2.5; or
 18 (H) certificate of candidate selection under IC 3-13-1 or
 19 IC 3-13-2.
 20 (2) When the individual assumes a vacant elected office under
 21 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, IC 3-13-11, or
 22 IC 20-23-4-30. A statement filed under this subdivision must be
 23 filed not later than noon sixty (60) days after the individual
 24 assumes the elected office.
 25 SECTION 20. IC 3-10-2-15 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) This section
 27 applies to a political party whose nominee received at least two percent
 28 (2%) but less than ten percent (10%) of the votes cast for secretary of
 29 state at the last election for that office.
 30 (b) This section applies only to a local office that is:
 31 (1) not listed in IC 3-8-2-5; and
 32 (2) not a municipal office subject to IC 3-8-5-17 **(before its**
 33 **expiration).** ~~or IC 3-10-6-12.~~
 34 (c) A political party subject to this section shall nominate the party's
 35 candidate for a local office at a county convention of the party
 36 conducted not later than noon on the date specified by
 37 IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate
 38 vacancy.
 39 (d) The chairman and secretary of the convention shall execute a
 40 certificate of nomination in writing, setting out the following:
 41 (1) The name of each nominee as:
 42 (A) the nominee wants the nominee's name to appear on the



1 ballot; and
 2 (B) the nominee's name is permitted to appear on the ballot
 3 under IC 3-5-7.
 4 (2) The residence address of each nominee.
 5 (3) The office for which each nominee was nominated.
 6 (4) That each nominee is legally qualified to hold office.
 7 (5) The political party device or emblem by which the ticket will
 8 be designated on the ballot.
 9 Both the chairman and secretary shall acknowledge the certificate
 10 before an officer authorized to take acknowledgment of deeds.
 11 (e) Each candidate nominated under this section shall execute a
 12 consent to the nomination in the same form as a candidate nominated
 13 by petition under IC 3-8-6.
 14 (f) The certificate required by subsection (d) and the consent
 15 required by subsection (e) must be filed with the circuit court clerk of
 16 the county containing the greatest percentage of population of the
 17 election district for which the candidate has been nominated by the
 18 convention not later than noon on the date specified by IC 3-13-1-15(c)
 19 for a major political party to file a certificate of candidate selection.
 20 (g) A candidate's consent to the nomination must include a
 21 statement that the candidate requests the name on the candidate's voter
 22 registration record be the same as the name the candidate uses on the
 23 consent to the nomination. If there is a difference between the name on
 24 the candidate's consent to the nomination and the name on the
 25 candidate's voter registration record, the officer with whom the consent
 26 to the nomination is filed shall forward the information to the voter
 27 registration officer of the appropriate county. The voter registration
 28 officer of the appropriate county shall change the name on the
 29 candidate's voter registration record to be the same as the name on the
 30 candidate's consent to the nomination.
 31 (h) A question concerning the validity of a candidate's nomination
 32 under this section shall be determined by a county election board in
 33 accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).
 34 (i) A nominee who wants to withdraw must file a notice of
 35 withdrawal in accordance with IC 3-8-7-28.
 36 SECTION 21. IC 3-10-6-1 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. ~~(a)~~ This chapter
 38 applies to municipal and school district elections in ~~the following~~
 39 ~~municipalities:~~
 40 ~~(1)~~ all cities **and**
 41 ~~(2)~~ towns. ~~having a population of three thousand five hundred~~
 42 ~~(3,500) or more.~~



1 (3) Towns located entirely or partially within a county having a
2 consolidated city, regardless of their population:

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

5 SECTION 22. IC 3-10-6-2, AS AMENDED BY P.L.74-2017,
6 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2020]: Sec. 2. (a) Except as otherwise provided in this
8 chapter, a municipal primary election shall be held on the first Tuesday
9 after the first Monday in May ~~2019~~ **2023** and every four (4) years
10 thereafter.

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.

15 SECTION 23. IC 3-10-6-2.4 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2020]: **Sec. 2.4. (a) This section does not apply to a town located**
18 **wholly or partially within a county having a consolidated city**
19 **unless the town has a population of more than one thousand (1,000)**
20 **but less than one thousand four hundred (1,400).**

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

26 SECTION 24. IC 3-10-6-2.7 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2020]: **Sec. 2.7. (a) This section does not apply to a town located**
29 **wholly or partially within a county having a consolidated city.**

30 (b) A town may adopt an ordinance during the year preceding
31 a municipal election prescribing the length of the term of office for
32 municipal officers and changing the time municipal elections are
33 held.

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

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

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



- 1 **(3) That the municipal elections for town offices shall be held**
- 2 **during a general election.**
- 3 **(d) A town may repeal an ordinance adopted under subsection**
- 4 **(b) subject to both of the following:**
- 5 **(1) The ordinance may not be repealed earlier than twelve**
- 6 **(12) years after the ordinance was adopted.**
- 7 **(2) The ordinance may be repealed only in a year preceding**
- 8 **a municipal election held at the time described in section 5 of**
- 9 **this chapter.**
- 10 **(e) An ordinance described in subsection (b) or an ordinance**
- 11 **repealing an ordinance previously adopted under subsection (b)**
- 12 **takes effect when the ordinance is filed with the circuit court clerk**
- 13 **of the county in which the largest percentage of the population of**
- 14 **the town is located.**
- 15 SECTION 25. IC 3-10-6-2.9 IS ADDED TO THE INDIANA CODE
- 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 17 1, 2020]: **Sec. 2.9. (a) This section does not apply to a town located**
- 18 **wholly or partially within a county having a consolidated city.**
- 19 **(b) During the year preceding a municipal election conducted**
- 20 **under this chapter, a town may adopt an ordinance changing the**
- 21 **time municipal elections are held for the offices of the town**
- 22 **legislative body members, clerk-treasurer, and judge.**
- 23 **(c) The ordinance described in subsection (b) must provide all**
- 24 **the following:**
- 25 **(1) The years in which town elections shall be held. A town**
- 26 **election may not be held in a year following a year in which an**
- 27 **election for presidential electors is held.**
- 28 **(2) That the elections for town offices shall be held during**
- 29 **general elections or municipal elections, or both.**
- 30 **(3) Which town officers are to be elected in each of the years**
- 31 **of the town election cycle. The ordinance must provide that at**
- 32 **least two (2) town officers shall be elected in each year of the**
- 33 **town election cycle. The ordinance may provide for all town**
- 34 **officers to be elected at the same election.**
- 35 **(4) The term of office of each town officer elected in the first**
- 36 **election cycle after adoption of the ordinance. A term of office**
- 37 **set under this subdivision may not exceed four (4) years.**
- 38 **(5) That the term of office of each town officer elected after**
- 39 **the first election cycle after adoption of the ordinance is four**
- 40 **(4) years.**
- 41 **(6) That the term of office of each town officer begins on**
- 42 **January 1 after the election.**



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

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

5 (2) The ordinance may be repealed only in a year preceding
6 a municipal election held at the time described in section 5 of
7 this chapter.

8 (e) An ordinance described in subsection (b) or an ordinance
9 repealing an ordinance previously adopted under subsection (b)
10 takes effect when the ordinance is filed with the circuit court clerk
11 of the county in which the largest percentage of the population of
12 the town is located.

13 SECTION 26. IC 3-10-6-5, AS AMENDED BY P.L.74-2017,
14 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2020]: Sec. 5. Except as otherwise provided in this chapter,
16 a municipal election shall be held on the first Tuesday after the first
17 Monday in November ~~2019~~ 2023 and every four (4) years thereafter.
18 At the election, public officials shall be elected to each municipal
19 office.

20 SECTION 27. IC 3-10-6-12 IS REPEALED [EFFECTIVE JULY 1,
21 2020]. Sec. 12: (a) This section applies to a political party:

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

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

25 (b) The political party may conduct a convention to nominate
26 candidates for city or town office not later than noon on the date
27 specified by IC 3-13-1-7(a)(1) for a major political party to act to fill
28 a candidate vacancy.

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

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

40 (e) A candidate's consent to the nomination must include a
41 statement that the candidate requests the name on the candidate's voter
42 registration record be the same as the name the candidate uses on the



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

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

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

14 SECTION 28. IC 3-10-6-12.5 IS REPEALED [EFFECTIVE JULY
 15 1, 2020]. Sec. 12.5: (a) This section applies to a candidate:

16 (1) of a political party that is not a major political party; and

17 (2) nominated by a convention under section 12 of this chapter.

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

21 (1) be signed and acknowledged before an officer authorized to
 22 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 after
 26 the adjournment of the convention.

27 SECTION 29. IC 3-10-7 IS REPEALED [EFFECTIVE JULY 1,
 28 2020]. (Municipal Elections in Small Towns Located Outside Marion
 29 County).

30 SECTION 30. IC 3-10-8-1, AS AMENDED BY P.L.219-2013,
 31 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 1. A special election shall be held in the
 33 following cases:

34 (1) Whenever two (2) or more candidates for a federal, state,
 35 legislative, circuit, or school board office receive the highest and
 36 an equal number of votes for the office, except as provided in
 37 Article 5, Section 5 of the Constitution of the State of Indiana or
 38 in IC 20.

39 (2) Whenever a vacancy occurs in the office of United States
 40 Senator, as provided in IC 3-13-3-1.

41 (3) Whenever a vacancy occurs in the office of United States
 42 Representative unless the vacancy occurs less than seventy-four



- 1 (74) days before a general election.
- 2 (4) Whenever a vacancy occurs in any local office the filling of
- 3 which is not otherwise provided by law.
- 4 (5) Whenever required by law for a public question.
- 5 **Notwithstanding any other law, a special election for a local**
- 6 **public question may not be held in a year after a presidential**
- 7 **election year.**
- 8 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
- 9 recount commission under IC 3-12-11-18.
- 10 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
- 11 legislative office unless the vacancy occurs less than seventy-four
- 12 (74) days before a general election.

13 SECTION 31. IC 3-10-8-1.2 IS ADDED TO THE INDIANA CODE
 14 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 15 **UPON PASSAGE]: Sec. 1.2. (a) As used in this section, "applicable**
 16 **statute" refers to either of the following:**

- 17 (1) **IC 20-46-1 (referendum tax levy).**
- 18 (2) **IC 20-46-9 (school safety referendum tax levy).**

19 (b) **As used in this section, "levy" refers to a tax levy imposed,**
 20 **reimposed, or extended by a school corporation under an**
 21 **applicable statute.**

22 (c) **Notwithstanding section 1(5) of this chapter, a school**
 23 **corporation may reimpose or extend a levy in 2021, 2025, or 2027**
 24 **under an applicable statute if the school corporation would have**
 25 **been permitted to reimpose or extend the levy under this title and**
 26 **the applicable statute, both as in effect before January 1, 2020.**

27 (d) **If a school corporation reimposes or extends a levy as**
 28 **provided in subsection (c), the school corporation may not further**
 29 **reimpose or extend that levy for a period of time permitted under**
 30 **the applicable statute that expires during a year after a**
 31 **presidential election year.**

32 (e) **This section expires January 1, 2028.**

33 SECTION 32. IC 3-10-8-4, AS AMENDED BY P.L.278-2019,
 34 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2020]: Sec. 4. (a) Each circuit court clerk who is required to
 36 conduct a special election under state law or receives a writ ordering
 37 a special election shall publish in accordance with IC 5-3-1:

- 38 (1) under the proper political party or independent candidate
- 39 designation:
- 40 (A) the title of office; and
- 41 (B) the names and addresses of all candidates who have filed
- 42 for election to the office, except for an individual with a



- 1 restricted address under IC 36-1-8.5;
 2 if an elected office will be on the ballot at the special election;
 3 (2) the text of any public question to be submitted to the voters;
 4 (3) the date of the election; and
 5 (4) the hours during which the polls will be open.
- 6 (b) The county election board ~~or town election board~~ shall file a
 7 notice of a special election conducted under this chapter with the
 8 election division not later than noon seven (7) days after receiving the
 9 writ.
- 10 SECTION 33. IC 3-10-9-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The
 12 ~~(1)~~ county election board of each county included in the election
 13 district voting on the public question ~~or~~
 14 ~~(2)~~ town election board if a public question is to be voted on at an
 15 election conducted by a town election board;
 16 shall place the public question on the ballot in accordance with this
 17 chapter.
- 18 SECTION 34. IC 3-11-1.5-3.1, AS ADDED BY P.L.278-2019,
 19 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2020]: Sec. 3.1. (a) Except as provided in subsection (b), after
 21 June 30, 2019, a county may not establish a precinct under this chapter
 22 so that any precinct has less than six hundred (600) active voters.
- 23 (b) A county may establish a precinct having less than six hundred
 24 (600) active voters if ~~either~~ **any** of the following apply:
- 25 (1) The precinct to be established would consist of an entire:
 26 (A) county commissioner district;
 27 (B) county council district;
 28 (C) township;
 29 (D) city;
 30 (E) town;
 31 (F) city common council district; or
 32 (G) town council district.
- 33 (2) Establishing the precinct is required so that a boundary of a
 34 governmental entity or election district described in section 4 of
 35 this chapter is not crossed.
- 36 **(3) This subdivision only applies to the establishment of
 37 precincts necessary because of the annexation of territory into
 38 a municipality. If a precinct is divided to assign some of the
 39 territory of the precinct to a municipality because of an
 40 annexation, any part of the divided precinct may form a
 41 separate precinct that does not comply with the requirement
 42 of subsection (a).**



1 SECTION 35. IC 3-11-1.5-3.2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.2. (a) A county
 3 executive may file a petition with the election division requesting the
 4 commission to waive the requirements imposed by section 3 **or 3.1(a)**
 5 of this chapter **if the petition was unanimously approved by the**
 6 **entire membership of the county election board or the board of**
 7 **elections and registration.** The petition must:

- 8 (1) identify each precinct to be subject to the waiver;
 9 (2) state the number of voters that would be included in each
 10 precinct described in subdivision (1) if the waiver is granted; and
 11 (3) state the reasons why the waiver should be granted.

12 (b) If the commission determines that compliance with the
 13 requirements of section 3 **or 3.1(a)** of this chapter would result in
 14 unnecessary expense and inconvenience for the county, the commission
 15 may grant a waiver exempting some or all of the precincts identified in
 16 the petition from section 3 **or 3.1(a)** of this chapter.

17 (c) A waiver granted for a precinct under this section expires when
 18 the county executive submits a subsequent proposed precinct
 19 establishment order for that precinct.

20 SECTION 36. IC 3-11-4-17.7, AS AMENDED BY P.L.278-2019,
 21 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2020]: Sec. 17.7. (a) This section applies when a voter:

- 23 (1) has been mailed the official ballot under this chapter; and
 24 (2) notifies the county election board that:
 25 (A) the ballot has been destroyed, spoiled, lost, or not received
 26 by the voter after a reasonable time has elapsed for delivery of
 27 the ballot by mail;
 28 (B) the absentee ballot does not bear the bipartisan initials
 29 required under section 19 of this chapter; or
 30 (C) the absentee ballot envelope was not signed by the voter.

31 (b) As required under 52 U.S.C. 21081, the voter may obtain a
 32 replacement official ballot under the procedures set forth in this chapter
 33 after the voter files a statement with the county election board. The
 34 statement must affirm, under penalties of perjury, that the voter did not
 35 receive the official ballot (or that the ballot was received by the voter,
 36 but was destroyed, spoiled, or lost), and must set forth any facts known
 37 by the voter concerning the destruction, spoiling, or loss of the ballot.
 38 **A voter may file the statement required by this section by any of**
 39 **the following means:**

- 40 (1) **In person.**
 41 (2) **By fax.**
 42 (3) **By mail (including United States mail or bonded courier).**



- 1 **(4) By electronic mail with a digital image of the statement**
 2 **and signature of the voter.**
 3 (c) After a voter files the statement required under subsection (b),
 4 the circuit court clerk shall do the following:
 5 (1) Place the written request with the absentee voter's original
 6 ballot.
 7 (2) Mark "canceled" on the envelope containing the original
 8 ballot.
 9 (3) Preserve the original ballot with the other defective ballots.
 10 (4) Deliver a new ballot to the absentee voter.
 11 (d) If a voter requests a replacement ballot for a primary election,
 12 the county election board may not provide the voter with a primary
 13 election ballot for a political party different from the political party
 14 indicated in the voter's application for an absentee ballot.
 15 (e) After receiving the official replacement ballot, the voter shall
 16 destroy any spoiled ballot in the possession of the voter or any lost or
 17 delayed official ballot that comes into the possession of the voter.
 18 SECTION 37. IC 3-11-10-26.5, AS AMENDED BY P.L.278-2019,
 19 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2020]: Sec. 26.5. (a) This section applies to:
 21 (1) a municipal election;
 22 (2) a primary conducted in a municipal election year; and
 23 (3) a special election conducted under IC 3-10-8.
 24 (b) Notwithstanding section 26 of this chapter, a county election
 25 board ~~(or a town election board acting under IC 3-10-7)~~ may adopt a
 26 resolution by the unanimous vote of the board's entire membership
 27 stating that voters are entitled to vote by absentee ballot before an
 28 absentee voter board in the office of the circuit court clerk ~~or town~~
 29 ~~election board~~ during specific days and hours identified in the
 30 resolution.
 31 (c) If the election board adopts a resolution under subsection (b), the
 32 board must include written findings of fact in the resolution stating:
 33 (1) the number of absentee ballot applications anticipated or
 34 previously received for the election;
 35 (2) the expense to be incurred by providing absentee ballot voting
 36 in the office during the entire period required under section 26 of
 37 this chapter; and
 38 (3) that voters would experience little or no inconvenience by
 39 restricting absentee ballot voting in the office to the days and
 40 hours specified in the resolution.
 41 SECTION 38. IC 3-11-10-26.7 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2020]: **Sec. 26.7. (a) This section applies to a**
 2 **voter voting an absentee ballot before an absentee voter board**
 3 **under this chapter.**

4 **(b) If a voter attempts to leave the voting location without**
 5 **completing the casting of the voter's absentee ballot, a member of**
 6 **the absentee voter board shall:**

7 **(1) attempt to advise the voter not to leave the voting location**
 8 **because the voter's ballot has not been cast; and**

9 **(2) permit the voter an opportunity to complete the casting of**
 10 **the voter's absentee ballot.**

11 **(c) If the voter has left the voting location, or declines to**
 12 **complete the casting of the voter's absentee ballot, the members of**
 13 **the absentee voter board shall process the voter's absentee ballot**
 14 **in the same manner as the absentee ballot would have been**
 15 **processed if the voter had completed the casting of the voter's**
 16 **absentee ballot.**

17 **(d) After the voter's absentee ballot has been processed under**
 18 **subsection (c), the members of the absentee voter board shall**
 19 **promptly complete a form prescribed under IC 3-5-4-8 containing**
 20 **the following information:**

21 **(1) The name of the voter who left the voting location without**
 22 **completing the casting of the voter's absentee ballot if the**
 23 **voter's name is known.**

24 **(2) The approximate time that the voter left the voting**
 25 **location.**

26 **(3) Whether the voter was advised that the voter could**
 27 **complete the casting of the voter's absentee ballot.**

28 **(4) A statement made under the penalties for perjury**
 29 **indicating that:**

30 **(A) the members of the absentee voter board processed the**
 31 **voter's absentee ballot as if the voter had completed the**
 32 **casting of the voter's absentee ballot; and**

33 **(B) the members of the absentee voter board did not make**
 34 **any alteration to the choices made by the voter.**

35 **The form must be signed by each member of the absentee voter**
 36 **board.**

37 SECTION 39. IC 3-11-10-36.5 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2020]: **Sec. 36.5. (a) The county election**
 40 **board by unanimous vote of the entire membership of the board**
 41 **may permit an individual who is not a voter to serve as a member**
 42 **of an absentee voter board, or otherwise to assist the circuit court**



1 clerk with processing absentee voter applications and ballots, if the
2 individual satisfies all the following:

3 (1) The individual is at least sixteen (16) years of age but not
4 eighteen (18) years of age or older.

5 (2) The individual is a citizen of the United States.

6 (3) The individual is a resident of the county.

7 (4) The individual has a cumulative grade point average
8 equivalent to not less than 3.0 on a 4.0 scale.

9 (5) The individual has the written approval of the principal of
10 the school the individual attends at the time of the
11 appointment or, if the individual is educated in the home, the
12 approval of the individual responsible for the education of the
13 individual.

14 (6) The individual has the approval of the individual's parent
15 or legal guardian.

16 (7) The individual has satisfactorily completed any training
17 required by the county election board.

18 (8) The individual otherwise is eligible to serve as a member
19 of an absentee voter board under section 36 of this chapter
20 but is not required to be a registered voter of the county.

21 (b) An individual appointed to an absentee voter board or
22 assistant under this section, while serving as a member of an
23 absentee voter board or assistant:

24 (1) is not required to obtain an employment certificate under
25 IC 20-33-3; and

26 (2) is not subject to the limitations on time and duration of
27 employment under IC 20-33-3.

28 SECTION 40. IC 3-11-15-60, AS ADDED BY P.L.100-2018,
29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2020]: Sec. 60. (a) This section applies to a voting system
31 certified for use in Indiana elections.

32 (b) A vendor may not sell, lease, or transfer possession of a voting
33 system to a person except to:

34 (1) an Indiana county;

35 (2) the voting system technical oversight program (VSTOP)
36 (established by IC 3-11-16-2);

37 (3) a state or local government in the United States for the
38 purpose of conducting elections in that jurisdiction; or

39 (4) a political party in Indiana entitled to nominate candidates for
40 the general election at:

41 (A) a convention conducted under IC 3-8-4; or

42 (B) a town convention conducted under IC 3-8-5 (**before its**



- 1 **expiration);**
 2 for the limited purpose of conducting the nomination of the
 3 candidates.
 4 SECTION 41. IC 3-11-18.1-3, AS AMENDED BY P.L.170-2019,
 5 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2021]: Sec. 3. (a) A county must comply with this
 7 section to become a vote center county.
 8 (b) As used in this section, "board" refers to any of the following:
 9 (1) The county election board.
 10 (2) The board of elections and registration.
 11 (c) The board shall hold a public hearing to present a draft plan for
 12 administration of vote centers in the county.
 13 (d) After presentation of the draft plan under subsection (c), the
 14 board shall accept written public comments on the draft plan.
 15 (e) At least thirty (30) days after the hearing held under subsection
 16 (c), the board shall hold a public hearing to consider the following:
 17 (1) The draft plan.
 18 (2) The written public comments.
 19 (3) Any other public comment that the board may permit on the
 20 draft plan.
 21 (f) After consideration of the draft plan and the public comments,
 22 the board may do the following:
 23 (1) Adopt an order approving the draft plan.
 24 (2) Amend the draft plan and adopt an order approving the
 25 amended draft plan.
 26 **Subject to section 16 of this chapter,** the board may adopt the order
 27 to approve a plan only by a unanimous vote of the entire membership
 28 of the board.
 29 ~~(g) All members of the board must sign the order adopting the plan.~~
 30 ~~(h)~~ **(g)** The order and the adopted plan must be filed with the
 31 election division and must include a copy of:
 32 (1) a resolution adopted by the county executive; and
 33 (2) a resolution adopted by the county fiscal body;
 34 approving the designation of the county as a vote center county.
 35 SECTION 42. IC 3-11-18.1-5, AS AMENDED BY P.L.278-2019,
 36 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Except as provided in
 38 ~~subsections subsection~~ **subsection** (b), ~~and (c);~~ a plan must provide a vote center
 39 for use by voters residing within the county for use in a primary
 40 election, general election, special election, municipal primary, or
 41 municipal election conducted on or after the effective date of the
 42 county election board's order.



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

4 (1) located within the county; and

5 (2) having a population of less than three thousand five hundred
 6 (3,500).

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

10 SECTION 43. IC 3-11-18.1-8, AS AMENDED BY P.L.258-2013,
 11 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2021]: Sec. 8. (a) Except as provided in subsection (b),
 13 the designation of a county as a vote center county takes effect
 14 immediately upon the filing of the order with the election division,
 15 unless otherwise specified by the county election board.

16 (b) An order filed with the election division during the final sixty
 17 (60) days before an election becomes effective on the day following the
 18 election.

19 (c) **Subject to section 16 of this chapter**, the designation of a
 20 county as a vote center county remains in effect until the county
 21 election board, by unanimous vote of its entire membership:

22 (1) rescinds the order designating the county as a vote center
 23 county; and

24 (2) files a copy of the document rescinding the order with the
 25 election division.

26 SECTION 44. IC 3-11-18.1-10, AS ADDED BY P.L.225-2011,
 27 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2020]: Sec. 10. (a) Except as otherwise provided **under**
 29 **subsection (b) and** by this chapter, the county shall administer an
 30 election conducted at a vote center in accordance with federal law, this
 31 title, and the plan adopted with the county election board's order under
 32 section 3 of this chapter.

33 (b) **Notwithstanding IC 3-6-6-7, an individual who is an**
 34 **unopposed candidate for election to a township office may be**
 35 **appointed and serve as a precinct election officer at any vote center**
 36 **if the individual otherwise complies with IC 3-6-6-7.**

37 SECTION 45. IC 3-11-18.1-15, AS AMENDED BY P.L.170-2019,
 38 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JANUARY 1, 2021]: Sec. 15. (a) A county may amend a plan adopted
 40 with a county election board's order under section 3 of this chapter.

41 (b) For a county to amend its plan:

42 (1) **subject to section 16 of this chapter**, the county election



1 board or board of elections and registration, by unanimous vote
 2 of the entire membership of the board, must approve the plan
 3 amendment;

4 ~~(2) all members of the board must sign the amendment;~~ and

5 ~~(3)~~ **(2)** the amendment must be filed with the election division.

6 (c) A plan amendment takes effect immediately upon filing with the
 7 election division, unless otherwise specified by the county election
 8 board.

9 SECTION 46. IC 3-11-18.1-16 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JANUARY 1, 2021]: **Sec. 16. (a) This section applies**
 12 **to the adoption, rescission, or amendment of a vote center plan**
 13 **under this chapter.**

14 **(b) Notwithstanding section 3, 8, or 15 of this chapter, the**
 15 **adoption, rescission, or amendment of a vote center plan may be**
 16 **done if both of the following apply:**

17 **(1) A majority vote of the entire membership of the board**
 18 **votes to adopt, rescind, or amend the vote center plan.**

19 **(2) At least two (2) of the members of the board voting to**
 20 **adopt, rescind, or amend the vote center plan are members of**
 21 **different political parties.**

22 SECTION 47. IC 3-11.5-4-2 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) This section
 24 applies to a voter voting by an absentee ballot that is defective and
 25 ordered corrected under IC 3-11-2-16 or includes a candidate for
 26 election to office who:

27 (1) ceases to be a candidate; and

28 (2) is succeeded by a candidate selected under IC 3-13-1 or
 29 IC 3-13-2.

30 (b) Through the last day before the election day, an absentee voter
 31 may recast the ballot during the period specified by IC 3-11-10-26. To
 32 obtain another set of ballots, the absentee voter must ~~present~~ **file** a
 33 written request for another set of ballots from the circuit court clerk. **A**
 34 **voter may file the request required by this section by any of the**
 35 **following means:**

36 **(1) In person.**

37 **(2) By fax.**

38 **(3) By mail (including United States mail or bonded courier).**

39 **(4) By electronic mail with a digital image of the statement**
 40 **and signature of the voter.**

41 (c) Upon receiving a written request under subsection (b), the circuit
 42 court clerk shall do the following:



- 1 (1) Place the written request with the absentee voter's original
 2 ballots.
 3 (2) Mark "canceled" on the original set of ballots.
 4 (3) Preserve the original ballots with other defective ballots.
 5 (4) Deliver a new set of ballots to the absentee voter.
- 6 SECTION 48. IC 3-11.5-4-22.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2020]: **Sec. 22.5. (a) The county election**
 9 **board by unanimous vote of the entire membership of the board**
 10 **may permit an individual who is not a voter to serve as a member**
 11 **of an absentee voter board, a member of a team of absentee ballot**
 12 **counters, or as a member of a team of couriers, or otherwise to**
 13 **assist the circuit court clerk with processing absentee ballots, if the**
 14 **individual satisfies all the following:**
- 15 (1) **The individual is at least sixteen (16) years of age but not**
 16 **eighteen (18) years of age or older.**
 17 (2) **The individual is a citizen of the United States.**
 18 (3) **The individual is a resident of the county.**
 19 (4) **The individual has a cumulative grade point average**
 20 **equivalent to not less than 3.0 on a 4.0 scale.**
 21 (5) **The individual has the written approval of the principal of**
 22 **the school the individual attends at the time of the**
 23 **appointment or, if the individual is educated in the home, the**
 24 **approval of the individual responsible for the education of the**
 25 **individual.**
 26 (6) **The individual has the approval of the individual's parent**
 27 **or legal guardian.**
 28 (7) **The individual has satisfactorily completed any training**
 29 **required by the county election board.**
 30 (8) **The individual otherwise is eligible to serve under section**
 31 **22 of this chapter but is not required to be a registered voter**
 32 **of the county.**
- 33 (b) **An individual appointed under this section, while serving:**
 34 (1) **is not required to obtain an employment certificate under**
 35 **IC 20-33-3; and**
 36 (2) **is not subject to the limitations on time and duration of**
 37 **employment under IC 20-33-3.**
- 38 SECTION 49. IC 3-12-5-2 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2. (a) Whenever a**
 40 **candidate is elected:**
 41 (1) to a local or school board office other than
 42 (A) one for which a town clerk-treasurer issues a certificate of



- 1 election under ~~IC 3-10-7-34~~; or
 2 ~~(B)~~ one commissioned by the governor under IC 4-3-1-5; or
 3 (2) a precinct committeeman or state convention delegate;
 4 the circuit court clerk shall, when permitted under section 16 of this
 5 chapter, prepare and deliver to the candidate on demand a certificate
 6 of the candidate's election.
- 7 (b) This subsection applies to a local or school board office
 8 described in subsection (a) with an election district located in more
 9 than one (1) county and a local public question placed on the ballot in
 10 more than one (1) county. The circuit court clerk of the county that
 11 contains the greatest percentage of the population of the election
 12 district shall, upon demand of the candidate or a person entitled to
 13 request a recount of the votes cast on a public question under
 14 IC 3-12-12:
- 15 (1) obtain the certified statement of the votes cast for that office
 16 or on that question that was prepared under IC 3-12-4-9 from the
 17 circuit court clerk in each other county in which the election
 18 district is located;
 19 (2) tabulate the total votes cast for that office or on that question
 20 as shown on the certified statement of each county in the election
 21 district; and
 22 (3) issue a certificate of election to the candidate when permitted
 23 under section 16 of this chapter or a certificate declaring the local
 24 public question approved or rejected.
- 25 SECTION 50. IC 3-12-6-31 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31. (a) The circuit court
 27 clerk shall transmit the certificate prepared under section 30 of this
 28 chapter to the election division, the county election board or other
 29 public official authorized by this title to issue:
- 30 (1) a certificate of nomination under IC 3-8-7;
 31 (2) a certificate of election under ~~IC 3-10-7-34~~ or IC 3-12-5-2; or
 32 (3) a commission for the office under IC 4-3-1-5.
- 33 (b) The election division shall provide a copy of a certificate
 34 transmitted to the election division under this section to the office.
- 35 SECTION 51. IC 3-12-10-2.1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.1. (a) Except as
 37 provided in this section, the secretary of state and the designee of the
 38 state chairman of each of the major political parties of the state shall
 39 serve as members of the state recount commission.
- 40 (b) **An appointed member of the commission may designate**
 41 **another individual to serve as a proxy of record in the member's**
 42 **place as a member of the commission by filing a written instrument**



1 designating the proxy of record with the secretary of state. The
 2 proxy of record has the same authority to act and vote on all
 3 matters as does the member and must be filed with the secretary
 4 of state before taking effect. The member may revoke the authority
 5 of the proxy of record at any time. The authority of the proxy of
 6 record may be either limited or general with regard to duration or
 7 subject matter as set forth by the member in the written
 8 instrument designating the proxy.

9 (c) If both the appointed member and the member's proxy of
 10 record are unavailable, the member may designate another
 11 individual in writing to serve as an alternate proxy in the member's
 12 place as a member of the commission. This designation must be
 13 filed with the secretary of state before taking effect. The alternate
 14 proxy has the same authority to act and vote on all matters as does
 15 the member. The member may revoke the authority of the
 16 alternate proxy at any time. The authority of the alternate proxy
 17 may be either limited or general with regard to duration or subject
 18 matter as set forth by the member in the written instrument
 19 designating the proxy.

20 ~~(b)~~ (d) Except as provided in this section, the secretary of state shall
 21 serve as the chair of the state recount commission.

22 ~~(c)~~ (e) If an election to the office of secretary of state is the subject
 23 of a petition filed under IC 3-12-11, final determination of all petitions
 24 filed under IC 3-12-11 relating to that election must be made before
 25 January 1 after the election.

26 ~~(d)~~ (f) The secretary of state may not serve on the commission if the
 27 secretary of state is:

28 (1) a petitioner under IC 3-12-11; or

29 (2) named as a candidate in a petition under IC 3-12-11;

30 until the commission makes a final determination under IC 3-12-11 of
 31 all related petitions in which the secretary of state is a petitioner or is
 32 named.

33 ~~(e)~~ (g) If the secretary of state may not serve on the commission
 34 under subsection ~~(d)~~; (f), the state chairman of the same major political
 35 party as the secretary of state shall designate another individual to
 36 serve as a member and chair of the commission. The other individual
 37 must have voted in the most recent primary election of the political
 38 party of the state chairman making the appointment. The individual
 39 serves until the commission issues its final determination of all
 40 petitions relating to the election that are described in subsection ~~(d)~~; (f).
 41 The secretary of state shall then resume as a member and the chairman
 42 of the state recount commission.



1 ~~(h)~~ (h) An individual who serves on the state recount commission as
 2 secretary of state ceases to be a member of the commission when the
 3 individual ceases to be secretary of state.

4 SECTION 52. IC 3-12-11-25, AS AMENDED BY P.L.233-2015,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2020]: Sec. 25. (a) Except as provided in subsection (b),
 7 whenever the commission makes a final determination under section
 8 18 of this chapter that the candidate who is subject to a contest
 9 proceeding is not eligible to serve in the office to which the candidate
 10 is nominated or elected, the candidate who received the second highest
 11 number of votes for the office is entitled to a certificate of nomination
 12 or certificate of election even though a certificate may have been issued
 13 to another candidate upon the tabulation of the votes.

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

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

27 (2) The commission's determination that the candidate is not
 28 eligible to serve in the office does not affect the votes cast for the
 29 candidate for purposes of determining the number or percentage
 30 of votes cast for purposes of other statutes, including IC 3-5-2-30,
 31 IC 3-6-2-1, IC 3-6-4.1-6, IC 3-6-5.2-7, IC 3-6-6-8, IC 3-6-7-1,
 32 IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2, IC 3-10-2-15,
 33 IC 3-10-4-2, IC 3-10-6, ~~IC 3-10-7-26~~, IC 3-11-2-6, IC 3-11-13-11,
 34 IC 3-11-14-3.5, IC 3-13-9-4.5, IC 6-9-2-3, and IC 36-4-1.5-2.

35 SECTION 53. IC 3-13-1-1, AS AMENDED BY P.L.219-2013,
 36 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2020]: Sec. 1. Except as provided in section ~~18~~ or 20 of this
 38 chapter or IC 3-10-8-7.5, this chapter applies to the filling of a
 39 candidate vacancy that arises for any reason if the vacancy leaves a
 40 major political party without a candidate for the office and occurs
 41 before the thirtieth day before a general, special, or municipal election.

42 SECTION 54. IC 3-13-1-10, AS AMENDED BY P.L.216-2015,



1 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 10. (a) To be eligible to participate in a
3 caucus called under section 4, 5, or 6 of this chapter, an elected
4 precinct committeeman must be entitled to vote for the office for which
5 a candidate is to be selected. An elected precinct committeeman is
6 eligible to participate in a caucus called under this chapter, regardless
7 of when the ballot vacancy occurred.

8 (b) An appointed precinct committeeman is eligible to participate
9 in a caucus called under section 4, 5, or 6 of this chapter **only if both**
10 **of the following apply:**

11 (1) The precinct committeeman was a committeeman thirty (30)
12 days before the vacancy occurred.

13 (2) **The precinct committeeman is entitled to vote for the**
14 **office for which a candidate is to be selected.**

15 (c) For purposes of a candidate vacancy resulting from the failure
16 of a candidate to be nominated at a primary at which precinct
17 committeemen were elected, an appointed precinct committeeman is
18 eligible to serve **only if both of the following apply:**

19 (1) The **precinct** committeeman has been reappointed following
20 the primary in accordance with the rules of the committeeman's
21 political party.

22 (2) **The precinct committeeman is entitled to vote for the**
23 **office for which a candidate is to be selected.**

24 SECTION 55. IC 3-13-1-11.5, AS AMENDED BY P.L.216-2015,
25 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 11.5. (a) Except as provided in this section,
27 voting by proxy is not permitted in a caucus called under section 4, 5,
28 or 6 of this chapter.

29 (b) A precinct vice committeeman is entitled to participate in a
30 caucus called under section 4, 5, or 6 of this chapter and vote as a
31 proxy for the vice committeeman's precinct committeeman if all of the
32 following apply:

33 (1) The vice committeeman's precinct committeeman is otherwise
34 eligible to participate in the caucus under this chapter.

35 (2) The vice committeeman's precinct committeeman is not
36 present at the caucus.

37 (3) The vice committeeman is eligible under this section.

38 (c) The vice committeeman of an elected precinct committeeman is
39 eligible to participate in a caucus called under section 4, 5, or 6 of this
40 chapter and vote the precinct committeeman's proxy, regardless of
41 when the ballot vacancy occurred, **only if both of the following apply:**

42 (1) The vice committeeman was the vice committeeman five (5)



1 days before the date of the caucus.

2 **(2) The vice committeeman is entitled to vote for the office for**
 3 **which a candidate is to be selected.**

4 (d) If a vice committeeman is not eligible under subsection ~~(c)~~,
 5 **(c)(1)**, the vice committeeman is eligible to participate in a caucus
 6 called under section 4, 5, or 6 of this chapter and vote the precinct
 7 committeeman's proxy only if the vice committeeman was the vice
 8 committeeman thirty (30) days before the ballot vacancy occurred.

9 SECTION 56. IC 3-13-1-18 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) If a candidate
 11 vacancy occurs in a town subject to IC 3-8-5 **(before its expiration)**
 12 for any office on the ticket of a political party whose candidates were
 13 selected by petition of nomination, the vacancy may be filled only as
 14 prescribed by this section.

15 (b) To fill the vacancy, the town chairman of the party must file a
 16 certificate of candidate selection together with the consent required by
 17 section 14 of this chapter with the official with whom certificates must
 18 be filed. The certificate of candidate selection must be filed not later
 19 than the date and hour that a certificate of nomination by a town
 20 convention must be filed under IC 3-8-5-13 **(before its expiration)**.

21 SECTION 57. IC 3-13-1-20, AS AMENDED BY P.L.230-2005,
 22 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2020]: Sec. 20. (a) This section applies to a political party
 24 subject to IC 3-8-4-10 **or** IC 3-10-2-15. ~~or IC 3-10-6-12.~~

25 (b) A candidate vacancy that exists following the convention of the
 26 party shall be filled by the state committee of the political party not
 27 later than the date and time specified by section 7(a)(1) of this chapter
 28 for a major political party to fill a candidate vacancy. The chairman of
 29 the state committee shall file a notice of intent to fill the candidate
 30 vacancy with the official who is required to receive a certificate of
 31 candidate selection under section 15 of this chapter. The notice must
 32 be filed not later than ten (10) days before the chairman fills the
 33 candidate vacancy. The chairman of the state committee shall act in
 34 accordance with section 15 of this chapter to certify the candidate
 35 selected to fill the vacancy.

36 (c) This subsection applies to a candidate vacancy resulting from a
 37 vacancy on the general election ballot resulting from the failure of the
 38 convention to nominate a candidate for an office. The certificate
 39 required by subsection (b) shall be filed not later than the date and time
 40 specified by section 15(c) of this chapter for a major political party to
 41 file a certificate of candidate selection.

42 (d) This subsection applies to all candidate vacancies not described



1 by subsection (c). If a candidate vacancy occurs as a result of:

- 2 (1) the death of a candidate;
 3 (2) the withdrawal of a candidate;
 4 (3) the disqualification of a candidate under IC 3-8-1-5; or
 5 (4) a court order issued under IC 3-8-7-29(d);

6 the political party may fill the vacancy within the same period of time
 7 that a major political party is permitted to fill a candidate vacancy
 8 under section 7(b) of this chapter.

9 (e) The certificate required by subsection (b) shall be filed within
 10 the period of time required under section 15(d) of this chapter for a
 11 major political party to file the certificate after selection of the
 12 candidates.

13 SECTION 58. IC 3-13-1-20.5, AS AMENDED BY P.L.74-2017,
 14 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2020]: Sec. 20.5. (a) This section applies to a candidate
 16 nominated by a political party subject to IC 3-8-4-10 **or** IC 3-10-2-15.
 17 ~~or IC 3-10-6-12.~~

18 (b) This section does not apply to a candidate nominated under
 19 IC 3-8-5-14 and subject to IC 3-8-5-14.7 (**before their expiration**).

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

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

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

38 SECTION 59. IC 3-13-5-4 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To be eligible
 40 to participate in a caucus called under this chapter, an elected precinct
 41 committeeman must be entitled to vote for the legislative office for
 42 which a successor is to be selected. An elected precinct committeeman



1 is eligible to participate in a caucus called under this chapter,
2 regardless of when the vacancy in the legislative office occurred.

3 (b) An appointed precinct committeeman is eligible to participate
4 in a caucus called under this chapter **only if both of the following**
5 **apply:**

6 (1) The precinct committeeman was a committeeman thirty (30)
7 days before the vacancy occurred.

8 **(2) The precinct committeeman is entitled to vote for the**
9 **legislative office for which a successor is to be selected.**

10 (c) An individual eligible to participate in a caucus held under this
11 chapter has one (1) vote.

12 SECTION 60. IC 3-13-5-5, AS AMENDED BY P.L.278-2019,
13 SECTION 155, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in this
15 section, voting by proxy is not allowed in a caucus held under this
16 chapter.

17 (b) A precinct vice committeeman is entitled to participate in a
18 caucus held under this chapter and vote as a proxy for the vice
19 committeeman's precinct committeeman if all of the following apply:

20 (1) The vice committeeman's precinct committeeman is otherwise
21 eligible to participate in the caucus under this chapter. This
22 subdivision is satisfied if the vacancy to be filled under this
23 chapter resulted from the death of an individual holding a
24 legislative office who also served as a precinct committeeman.

25 (2) The vice committeeman's precinct committeeman is not
26 present at the caucus.

27 (3) The vice committeeman is eligible under this section.

28 (c) The vice committeeman of an elected precinct committeeman is
29 eligible to participate in a caucus held under this chapter and vote the
30 precinct committeeman's proxy **only if both of the following apply:**

31 (1) The vice committeeman was the vice committeeman five (5)
32 days before the date of the caucus.

33 **(2) The vice committeeman is entitled to vote for the**
34 **legislative office for which a successor is to be selected.**

35 (d) If a vice committeeman is not eligible under subsection ~~(c)~~,
36 **(c)(1)**, the vice committeeman is eligible to participate in a caucus held
37 under this chapter and vote the precinct committeeman's proxy only if
38 the vice committeeman was the vice committeeman thirty (30) days
39 before the vacancy occurred.

40 (e) Voting shall be conducted by secret ballot, and IC 5-14-1.5-3(b)
41 does not apply to this chapter.

42 SECTION 61. IC 3-13-11-5 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible
2 to be a member of a caucus under this chapter, a precinct
3 committeeman must satisfy the following:

4 (1) Be a member of the same political party that elected or
5 selected the person who vacated the office to be filled.

6 (2) Be the precinct committeeman of a precinct **located in which**
7 ~~voters were eligible to vote for the person who vacated the office~~
8 ~~to be filled at the last election conducted or permitted for the~~
9 ~~office. the election district of the office to be filled.~~

10 (3) Satisfy the other requirements of this section.

11 An elected precinct committeeman is eligible to participate in a caucus
12 called under this chapter, regardless of when the vacancy in the office
13 occurred.

14 (b) An appointed precinct committeeman is eligible to participate
15 in a caucus called under this chapter **only if both of the following**
16 **apply:**

17 (1) The precinct committeeman was a precinct committeeman
18 thirty (30) days before the vacancy occurred.

19 (2) **The precinct committeeman is entitled to vote for the**
20 **office for which a successor is to be selected.**

21 (c) If fewer than two (2) persons are eligible to be members of a
22 caucus under this section, the county chairman entitled to give notice
23 of a caucus under section 3 of this chapter shall fill the vacancy, ~~no~~ **not**
24 later than thirty (30) days after the vacancy occurs. A chairman acting
25 under this subsection is not required to conduct a caucus.

26 SECTION 62. IC 3-13-11-9 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as
28 provided in this section, voting by proxy is not permitted in a caucus
29 held under this chapter.

30 (b) A precinct vice committeeman is entitled to participate in a
31 caucus held under this chapter and vote as a proxy for the vice
32 committeeman's precinct committeeman if all of the following apply:

33 (1) The vice committeeman's precinct committeeman is otherwise
34 eligible to participate in the caucus under this chapter. This
35 subdivision is satisfied if the vacancy to be filled under this
36 chapter resulted from the death of an individual holding a local
37 office who also served as a precinct committeeman.

38 (2) The vice committeeman's precinct committeeman is not
39 present at the caucus.

40 (3) The vice committeeman is eligible under this section.

41 (c) The vice committeeman of an elected precinct committeeman is
42 eligible to participate in a caucus held under this chapter and vote the



1 precinct committeeman's proxy, regardless of when the vacancy
 2 occurred, **only if both of the following apply:**

3 (1) The vice committeeman was the vice committeeman five (5)
 4 days before the date of the caucus.

5 (2) **The vice committeeman is entitled to vote for the office for**
 6 **which a successor is to be selected.**

7 (d) If a vice committeeman is not eligible under subsection ~~(e)~~;
 8 **(c)(1)**, the vice committeeman is eligible to participate in a caucus held
 9 under this chapter and vote the precinct committeeman's proxy only if
 10 the vice committeeman was the vice committeeman thirty (30) days
 11 before the vacancy occurred.

12 SECTION 63. IC 3-14-2-30 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 30. **(a)** A person who
 14 knowingly votes at a town convention in violation of IC 3-8-5-11(c)
 15 commits a Class A misdemeanor.

16 **(b) This section expires January 1, 2021.**

17 SECTION 64. IC 5-4-1-2 IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The oath required by section
 19 1 of this chapter, except in the case of a notary public or in those cases
 20 specified in section 3 of this chapter, shall be endorsed on or attached
 21 to the:

22 (1) commission;

23 (2) certificate if a certificate was issued under ~~IC 3-10-7-34~~;
 24 IC 3-12-4 or IC 3-12-5; or

25 (3) certificate of appointment pro tempore under IC 3-13-11-11;
 26 signed by the person taking the oath, and certified to by the officer
 27 before whom the oath was taken, who shall also deliver to the person
 28 taking the oath a copy of the oath.

29 (b) A copy of the oath of office of a prosecuting attorney shall be:

30 (1) recorded on the bond required by section 20 of this chapter; or

31 (2) attached to the commission of the prosecuting attorney.

32 SECTION 65. IC 5-8-5-1, AS AMENDED BY P.L.119-2005,
 33 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2020]: Sec. 1. This chapter applies when a vacancy must be
 35 filled under:

36 (1) IC 3-13-9; ~~or~~

37 **(2) IC 3-13-10; or**

38 ~~(2)~~ **(3) IC 3-13-11;**

39 due to a reason set forth in IC 36-5-2-6.5(3) **or because a township**
 40 **board member has ceased to be a resident of the township.**

41 SECTION 66. IC 5-8-5-2 IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2020]: Sec. 2. As used in this chapter,



1 "member" refers to **either of the following:**

2 **(1) A town council member.**

3 **(2) A township board member.**

4 SECTION 67. IC 5-8-5-3, AS AMENDED BY P.L.119-2005,
5 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2020]: Sec. 3. (a) The town council may hold a public meeting
7 to determine whether a circumstance has occurred under
8 IC 36-5-2-6.5(3) that results in a vacancy on the town council.

9 **(b) The township board may hold a public meeting to determine
10 whether a member has ceased to be a resident of the township.**

11 **(c) The town council or township board may set a meeting for
12 making the determination on its own motion, or a person may petition
13 the town council or township board to set a meeting to make the
14 determination. The town council or township board may grant or deny
15 a petition for a meeting.**

16 ~~(b)~~ **(d) If a person files a petition with the town council, the petition
17 must state the basis for the person's claim that a circumstance has
18 occurred under IC 36-5-2-6.5(3).**

19 **(e) If a person files a petition with the township board, the
20 petition must state the basis for the person's claim that a board
21 member has ceased to be a resident of the township.**

22 SECTION 68. IC 5-8-5-4, AS AMENDED BY P.L.119-2005,
23 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2020]: Sec. 4. (a) If the town council is reasonably satisfied
25 that any circumstance has occurred under IC 36-5-2-6.5(3), the council
26 may, by an affirmative vote of a majority of the members appointed to
27 the body, vote to declare a vacancy in the town council membership.
28 The member who is alleged to have vacated the member's seat may
29 participate in the meeting as a member, but may not vote on the issue.

30 **(b) If the township board determines that a board member has
31 ceased to be a resident of the township, the board may, by an
32 affirmative vote of a majority of the members of the body, declare
33 a vacancy in the township board membership. The member who is
34 alleged to have vacated the member's seat may participate in the
35 meeting as a member, but may not vote on the issue.**

36 ~~(b)~~ **(c) If the member who is the subject of the petition or motion
37 does not attend the meeting at which the town council or township
38 board makes the determination that a vacancy exists, the town council
39 or township board shall mail notice of its determination to the
40 member.**

41 ~~(c)~~ **(d) If the town council or township board determines that a
42 vacancy exists, the town clerk-treasurer or the township trustee shall**



1 give the circuit court clerk notice of the determination not later than
 2 five (5) days after the date of the town council's **or township board's**
 3 determination. The circuit court clerk shall give notice to the county
 4 chairman if a caucus is required under IC 3-13-11 to fill the vacancy.

5 SECTION 69. IC 5-8-5-5, AS AMENDED BY P.L.84-2016,
 6 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 5. The member whose seat is vacated may file an
 8 action under IC 34-17-1 with the circuit court, superior court, or
 9 probate court of the county where the town **or township** is located.

10 SECTION 70. IC 6-1.1-20-3.6, AS AMENDED BY P.L.246-2017,
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2020]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8
 13 of this chapter, this section applies only to a controlled project
 14 described in section 3.5(a) of this chapter.

15 (b) If a sufficient petition requesting the application of the local
 16 public question process has been filed as set forth in section 3.5 of this
 17 chapter, a political subdivision may not impose property taxes to pay
 18 debt service on bonds or lease rentals on a lease for a controlled project
 19 unless the political subdivision's proposed debt service or lease rental
 20 is approved ~~in an election on~~ **by** a local public question ~~held~~
 21 under this section.

22 (c) Except as provided in subsection (k), the following question
 23 shall be submitted to the eligible voters at the election conducted under
 24 this section:

25 "Shall _____ (insert the name of the political subdivision)
 26 issue bonds or enter into a lease to finance _____ (insert
 27 a brief description of the controlled project), which is estimated
 28 to cost not more than _____ (insert the total cost of the project)
 29 and is estimated to increase the property tax rate for debt service
 30 by _____ (insert increase in tax rate as determined by the
 31 department of local government finance)?"

32 The public question must appear on the ballot in the form approved by
 33 the county election board. If the political subdivision proposing to issue
 34 bonds or enter into a lease is located in more than one (1) county, the
 35 county election board of each county shall jointly approve the form of
 36 the public question that will appear on the ballot in each county. The
 37 form approved by the county election board may differ from the
 38 language certified to the county election board by the county auditor.
 39 If the county election board approves the language of a public question
 40 under this subsection, the county election board shall submit the
 41 language to the department of local government finance for review.

42 (d) The department of local government finance shall review the



1 language of the public question to evaluate whether the description of
 2 the controlled project is accurate and is not biased against either a vote
 3 in favor of the controlled project or a vote against the controlled
 4 project. The department of local government finance may either
 5 approve the ballot language as submitted or recommend that the ballot
 6 language be modified as necessary to ensure that the description of the
 7 controlled project is accurate and is not biased. The department of local
 8 government finance shall certify its approval or recommendations to
 9 the county auditor and the county election board not more than ten (10)
 10 days after the language of the public question is submitted to the
 11 department for review. If the department of local government finance
 12 recommends a modification to the ballot language, the county election
 13 board shall, after reviewing the recommendations of the department of
 14 local government finance, submit modified ballot language to the
 15 department for the department's approval or recommendation of any
 16 additional modifications. The public question may not be certified by
 17 the county auditor under subsection (e) unless the department of local
 18 government finance has first certified the department's final approval
 19 of the ballot language for the public question.

20 (e) The county auditor shall certify the finally approved public
 21 question under IC 3-10-9-3 to the county election board of each county
 22 in which the political subdivision is located. The certification must
 23 occur not later than noon:

24 (1) seventy-four (74) days before a primary election if the public
 25 question is to be placed on the primary or municipal primary
 26 election ballot; or

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

29 Subject to the certification requirements and deadlines under this
 30 subsection and except as provided in subsection (j), the public question
 31 shall be placed on the ballot at the next primary election, general
 32 election, or municipal election in which all voters of the political
 33 subdivision are entitled to vote. ~~However, if a primary election, general
 34 election, or municipal election will not be held during the first year in
 35 which the public question is eligible to be placed on the ballot under
 36 this section and if the political subdivision requests the public question
 37 to be placed on the ballot at a special election, the public question shall
 38 be placed on the ballot at a special election to be held on the first
 39 Tuesday after the first Monday in May or November of the year. The
 40 certification must occur not later than noon seventy-four (74) days
 41 before a special election to be held in May (if the special election is to
 42 be held in May) or noon on August 1 (if the special election is to be~~



1 held in November): The fiscal body of the political subdivision that
 2 requests the special election shall pay the costs of holding the special
 3 election. The county election board shall give notice under IC 5-3-1 of
 4 a special election conducted under this subsection. A special election
 5 conducted under this subsection is under the direction of the county
 6 election board. The county election board shall take all steps necessary
 7 to carry out the special election.

8 (f) The circuit court clerk shall certify the results of the public
 9 question to the following:

10 (1) The county auditor of each county in which the political
 11 subdivision is located.

12 (2) The department of local government finance.

13 (g) Subject to the requirements of IC 6-1.1-18.5-8, the political
 14 subdivision may issue the proposed bonds or enter into the proposed
 15 lease rental if a majority of the eligible voters voting on the public
 16 question vote in favor of the public question.

17 (h) If a majority of the eligible voters voting on the public question
 18 vote in opposition to the public question, both of the following apply:

19 (1) The political subdivision may not issue the proposed bonds or
 20 enter into the proposed lease rental.

21 (2) Another public question under this section on the same or a
 22 substantially similar project may not be submitted to the voters
 23 earlier than:

24 (A) except as provided in clause (B), seven hundred (700)
 25 days after the date of the public question; or

26 (B) three hundred fifty (350) days after the date of the election,
 27 if a petition that meets the requirements of subsection (m) is
 28 submitted to the county auditor.

29 (i) IC 3, to the extent not inconsistent with this section, applies to an
 30 election held under this section.

31 (j) A political subdivision may not divide a controlled project in
 32 order to avoid the requirements of this section and section 3.5 of this
 33 chapter. A person that owns property within a political subdivision or
 34 a person that is a registered voter residing within a political subdivision
 35 may file a petition with the department of local government finance
 36 objecting that the political subdivision has divided a controlled project
 37 into two (2) or more capital projects in order to avoid the requirements
 38 of this section and section 3.5 of this chapter. The petition must be filed
 39 not more than ten (10) days after the political subdivision gives notice
 40 of the political subdivision's decision under section 3.5 of this chapter
 41 or a determination under section 5 of this chapter to issue bonds or
 42 enter into leases for a capital project that the person believes is the



1 result of a division of a controlled project that is prohibited by this
2 subsection. If the department of local government finance receives a
3 petition under this subsection, the department shall, not later than thirty
4 (30) days after receiving the petition, make a final determination on the
5 issue of whether the political subdivision divided a controlled project
6 in order to avoid the requirements of this section and section 3.5 of this
7 chapter. If the department of local government finance determines that
8 a political subdivision divided a controlled project in order to avoid the
9 requirements of this section and section 3.5 of this chapter and the
10 political subdivision continues to desire to proceed with the project, the
11 political subdivision may appeal the determination of the department
12 of local government finance to the Indiana board of tax review. A
13 political subdivision shall be considered to have divided a capital
14 project in order to avoid the requirements of this section and section
15 3.5 of this chapter if the result of one (1) or more of the subprojects
16 cannot reasonably be considered an independently desirable end in
17 itself without reference to another capital project. This subsection does
18 not prohibit a political subdivision from undertaking a series of capital
19 projects in which the result of each capital project can reasonably be
20 considered an independently desirable end in itself without reference
21 to another capital project.

22 (k) This subsection applies to a political subdivision for which a
23 petition requesting a public question has been submitted under section
24 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of
25 the political subdivision may adopt a resolution to withdraw a
26 controlled project from consideration in a public question. If the
27 legislative body provides a certified copy of the resolution to the county
28 auditor and the county election board not later than sixty-three (63)
29 days before the election at which the public question would be on the
30 ballot, the public question on the controlled project shall not be placed
31 on the ballot and the public question on the controlled project shall not
32 be held, regardless of whether the county auditor has certified the
33 public question to the county election board. If the withdrawal of a
34 public question under this subsection requires the county election
35 board to reprint ballots, the political subdivision withdrawing the
36 public question shall pay the costs of reprinting the ballots. If a political
37 subdivision withdraws a public question under this subsection that
38 would have been held at a special election and the county election
39 board has printed the ballots before the legislative body of the political
40 subdivision provides a certified copy of the withdrawal resolution to
41 the county auditor and the county election board, the political
42 subdivision withdrawing the public question shall pay the costs



1 incurred by the county in printing the ballots. If a public question on a
 2 controlled project is withdrawn under this subsection, a public question
 3 under this section on the same controlled project or a substantially
 4 similar controlled project may not be submitted to the voters earlier
 5 than three hundred fifty (350) days after the date the resolution
 6 withdrawing the public question is adopted.

7 (l) If a public question regarding a controlled project is placed on
 8 the ballot to be voted on at an election under this section, the political
 9 subdivision shall submit to the department of local government finance,
 10 at least thirty (30) days before the election, the following information
 11 regarding the proposed controlled project for posting on the
 12 department's Internet web site:

13 (1) The cost per square foot of any buildings being constructed as
 14 part of the controlled project.

15 (2) The effect that approval of the controlled project would have
 16 on the political subdivision's property tax rate.

17 (3) The maximum term of the bonds or lease.

18 (4) The maximum principal amount of the bonds or the maximum
 19 lease rental for the lease.

20 (5) The estimated interest rates that will be paid and the total
 21 interest costs associated with the bonds or lease.

22 (6) The purpose of the bonds or lease.

23 (7) In the case of a controlled project proposed by a school
 24 corporation:

25 (A) the current and proposed square footage of school building
 26 space per student;

27 (B) enrollment patterns within the school corporation; and

28 (C) the age and condition of the current school facilities.

29 (m) If a majority of the eligible voters voting on the public question
 30 vote in opposition to the public question, a petition may be submitted
 31 to the county auditor to request that the limit under subsection
 32 (h)(2)(B) apply to the holding of a subsequent public question by the
 33 political subdivision. If such a petition is submitted to the county
 34 auditor and is signed by the lesser of:

35 (1) five hundred (500) persons who are either owners of property
 36 within the political subdivision or registered voters residing
 37 within the political subdivision; or

38 (2) five percent (5%) of the registered voters residing within the
 39 political subdivision;

40 the limit under subsection (h)(2)(B) applies to the holding of a second
 41 public question by the political subdivision and the limit under
 42 subsection (h)(2)(A) does not apply to the holding of a second public



1 question by the political subdivision.

2 SECTION 71. IC 20-23-4-21, AS AMENDED BY P.L.244-2017,
3 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 21. (a) If the chairperson of the county committee
5 does not receive the certification or combined certifications under
6 section 20(f) of this chapter not later than ninety (90) days after the
7 receipt by the county committee of the plan referred to in section 20(a)
8 of this chapter, the judge of the circuit court of the county from which
9 the county committee submitting the plan was appointed shall:

10 (1) certify the public question under IC 3-10-9-3; and

11 (2) order the county election board to ~~conduct a special election~~
12 ~~in which place the public question on the ballot at the next~~
13 ~~primary, general, or municipal election at which~~ registered
14 voters residing in the proposed community school corporation
15 may vote to determine whether the corporation will be created.

16 ~~(b) If:~~

17 ~~(1) a primary election at which county officials are nominated; or~~

18 ~~(2) a general election at which county officials are elected;~~

19 ~~and for which the question can be certified in compliance with~~
20 ~~IC 3-10-9-3 is to be held not later than six (6) months after the receipt~~
21 ~~by the chairperson of the county committee of the plan referred to in~~
22 ~~section 20(a) of this chapter, regardless of whether the ninety (90) day~~
23 ~~period referred to in subsection (a) has expired; the judge shall order~~
24 ~~the county election board to conduct the special election to be held in~~
25 ~~conjunction with the primary or general election.~~

26 ~~(c) If a primary or general election will not be held in the six (6)~~
27 ~~month period referred to in subsection (b); the special election shall be~~
28 ~~held:~~

29 ~~(1) not earlier than sixty (60) days; and~~

30 ~~(2) not later than one hundred twenty (120) days;~~

31 ~~after the expiration of the ninety (90) day period referred to in~~
32 ~~subsection (a).~~

33 ~~(d) (b) The county election board shall give notice under IC 5-3-1~~
34 ~~of the special election a public question referred to in subsection (a).~~

35 ~~(e) (c) The notice referred to in subsection (d) (b) of a special~~
36 ~~election public question must:~~

37 (1) clearly state that the election is called to afford the registered
38 voters an opportunity to approve or reject a proposal for the
39 formation of a community school corporation;

40 (2) contain:

41 (A) a general description of the boundaries of the community
42 school corporation as set out in the plan;



- 1 (B) a statement of the terms of adjustment of:
 2 (i) property;
 3 (ii) assets;
 4 (iii) debts; and
 5 (iv) liabilities;
 6 of an existing school corporation that is to be divided in the
 7 creation of the community school corporation;
 8 (C) the name of the community school corporation;
 9 (D) the number of members comprising the board of school
 10 trustees; and
 11 (E) the method of selecting the board of school trustees of the
 12 community school corporation; and
 13 (3) designate the date, time, and voting place or places at which
 14 the election will be held.
- 15 ~~(f)~~ **(d)** ~~An election referred to in at which a public~~
 16 **question is submitted to the voters under** subsection (a) is under the
 17 direction of the county election board in the county. ~~The election board~~
 18 ~~shall take all steps necessary to carry out the special election. If the~~
 19 ~~special election is not conducted at a primary or general election, the~~
 20 ~~cost of conducting the election is:~~
 21 ~~(1) charged to each component school corporation embraced in~~
 22 ~~the community school corporation in the same proportion as the~~
 23 ~~component school corporation's assessed valuation is to the total~~
 24 ~~assessed valuation of the community school corporation; and~~
 25 ~~(2) paid:~~
 26 ~~(A) from the school corporation's operations fund not~~
 27 ~~otherwise appropriated of; and~~
 28 ~~(B) without appropriation by;~~
 29 ~~each component school corporation.~~
 30 If a component school corporation is to be divided and its territory
 31 assigned to two (2) or more community corporations, the component
 32 school corporation's cost of the special election is in proportion to the
 33 corporation's assessed valuation included in the community school
 34 corporation.
- 35 ~~(g)~~ **(e)** The county election board shall place the public question on
 36 the ballot in the form prescribed by IC 3-10-9-4. The public question
 37 must state "Shall the (here insert name) community school corporation
 38 be formed as provided in the Reorganization Plan of the County
 39 Committee for the Reorganization of School Corporations?". Except as
 40 otherwise provided in this chapter, the election is governed by IC 3.
- 41 ~~(h)~~ **(f)** If a majority of the votes cast at a ~~special election referred to~~
 42 ~~in subsection (a)~~ on the public question are in favor of the formation of



1 the corporation, a community school corporation is created and takes
2 effect on the earlier of:

- 3 (1) the July 1; or
4 (2) the January 1;

5 that next follows the date of publication of the notice referred to in
6 subsection ~~(d)~~: **(b)**.

7 ~~(f)~~ **(g)** If a public official fails to perform a duty required of the
8 official under this section within the time prescribed in this section, the
9 omission does not invalidate the proceedings taken under this section.

10 ~~(f)~~ **(h)** An action:

- 11 (1) to contest the validity of the formation or creation of a
12 community school corporation under this section;
13 (2) to declare that a community school corporation:
14 (A) has not been validly formed or created; or
15 (B) is not validly existing; or
16 (3) to enjoin the operation of a community school corporation;
17 may not be instituted later than thirty (30) days after the date of the
18 ~~special~~ election referred to in subsection (a).

19 SECTION 72. IC 20-23-6-5, AS AMENDED BY P.L.278-2019,
20 SECTION 169, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If a petition is filed in one (1)
22 or more of the school corporations protesting consolidation as provided
23 in this chapter by the ~~legal~~ voters of any school corporation the
24 governing body of which proposes to consolidate, the governing body
25 in each school corporation in which a protest petition is filed shall
26 certify the public question to each county election board of the county
27 in which the school corporation is located. The county election board
28 shall ~~call an election of the place a public question on the ballot at~~
29 **the next primary, general, or municipal election asking the** voters
30 of the school corporation ~~to determine~~ if a majority of the ~~legal~~
31 voters of the corporation ~~is in~~ favor ~~of~~ consolidating the school corporations.

32 (b) If a protest is filed in more than one (1) school corporation, the
33 elections shall be held on the same day. Each county election board
34 shall give notice by publication once each week for two (2) consecutive
35 weeks in a newspaper of general circulation in the school corporation.
36 If a newspaper is not published in the:

- 37 (1) township;
38 (2) town; or
39 (3) city;

40 the notice shall be published in the nearest newspaper published in the
41 county or counties, **stating that on a day and at an hour to be named in**
42 **the notice, the polls will be open at the usual voting places in the**



1 various precincts in the corporation for taking the vote of the legal a
 2 **public question will be on the ballot asking the** voters upon whether
 3 the school corporation shall be consolidated with the other school
 4 corporations joining in the resolution.

5 (c) The public question shall be placed on the ballot in the form
 6 provided by IC 3-10-9-4 and must state: "Shall (insert name of school
 7 corporation) be consolidated with (insert names of other school
 8 corporations)?".

9 (d) (c) Notice shall be given not later than thirty (30) days after the
 10 petition is filed. The election shall be held not less than ten (10) days
 11 or more than twenty (20) days after the last publication of the notice:
 12 **before the date of the election.**

13 (e) (d) The governing body of each school corporation in which an
 14 election is held is bound by the majority vote of those voting. However,
 15 if the election falls within a period of not more than six (6) months
 16 before a primary or general election, the election shall be held
 17 concurrently with the primary or general election if the public question
 18 is certified to the county election board not later than the deadline set
 19 forth in IC 3-10-9-3.

20 (f) (e) If a majority of those voting in any one (1) school corporation
 21 votes against the plan of consolidation, the plan fails. However, the
 22 failure does not prevent any or all the school corporations from taking
 23 further initial action for the consolidation of school corporations under
 24 this chapter.

25 SECTION 73. IC 20-23-6-6, AS AMENDED BY P.L.244-2017,
 26 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2020]: Sec. 6. (a) ~~On the day and hour named in the notice~~
 28 ~~filed under section 5 of this chapter, polls shall be opened and the votes~~
 29 ~~of the registered voters shall be taken upon the public question of~~
 30 ~~consolidating school corporations. The election at which the public~~
 31 ~~question is placed on the ballot under section 5 of this chapter shall~~
 32 be governed by IC 3, except as provided in this chapter.

33 (b) The county election board shall conduct the election. The public
 34 question shall be placed on the ballot in the form prescribed by
 35 IC 3-10-9-4 and must state "Shall (here insert the names of the school
 36 corporations that the resolution proposes to consolidate) be
 37 consolidated into a consolidated school corporation?".

38 (c) A brief statement of the provisions in the resolution for
 39 appointment or election of a governing body may be placed on the
 40 ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes
 41 cast for and against the consolidation of the school corporations shall
 42 be filed with:



1 (1) the governing body of the school corporations subject to the
 2 election;
 3 (2) the state superintendent; and
 4 (3) the county recorder of each county in which a consolidated
 5 school corporation is located;
 6 together with a copy of the resolution.

7 (d) If a majority of the votes cast at each of the elections is in favor
 8 of the consolidation of two (2) or more school corporations, the trustees
 9 of the school corporations shall proceed to consolidate the schools and
 10 provide the necessary buildings and equipment. In any school
 11 corporation where a petition was not filed and an election was not held,
 12 the failure on the part of the voters to file a petition for an election shall
 13 be considered to give the consent of the voters of the school
 14 corporation to the consolidation as set out in the resolution.

15 ~~(e) If the special election is not conducted at a primary or general~~
 16 ~~election, the expense of the election shall be borne by the school~~
 17 ~~corporation or each of the school corporations subject to the election~~
 18 ~~and shall be paid out of the school corporation's operations fund.~~

19 SECTION 74. IC 20-46-1-14, AS AMENDED BY P.L.278-2019,
 20 SECTION 175, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2020]: Sec. 14. ~~(a)~~ The referendum shall be
 22 held ~~in~~ **at** the next primary election, general election, or municipal
 23 election in which all the registered voters who are residents of the
 24 appellant school corporation are entitled to vote after certification of
 25 the question under IC 3-10-9-3. The certification of the question must
 26 occur not later than noon:

- 27 (1) seventy-four (74) days before a primary election if the
 28 question is to be placed on the primary or municipal primary
 29 election ballot; or
 30 (2) August 1 if the question is to be placed on the general or
 31 municipal election ballot.

32 ~~(b) However, if a primary election, general election, or municipal~~
 33 ~~election will not be held during the first year in which the public~~
 34 ~~question is eligible to be placed on the ballot under this chapter and if~~
 35 ~~the appellant school corporation requests the public question to be~~
 36 ~~placed on the ballot at a special election, the public question shall be~~
 37 ~~placed on the ballot at a special election to be held on the first Tuesday~~
 38 ~~after the first Monday in May or November of the year. The~~
 39 ~~certification must occur not later than noon:~~

- 40 ~~(1) sixty (60) days before a special election to be held in May (if~~
 41 ~~the special election is to be held in May); or~~
 42 ~~(2) on August 1 (if the special election is to be held in~~



- 1 November):
- 2 (c) If the referendum is not conducted at a primary election, general
- 3 election, or municipal election, the appellant school corporation in
- 4 which the referendum is to be held shall pay all the costs of holding the
- 5 referendum.
- 6 SECTION 75. IC 20-46-9-14, AS ADDED BY P.L.272-2019,
- 7 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2020]: Sec. 14. (a) The referendum shall be held in the next
- 9 primary election, general election, or municipal election in which all
- 10 the registered voters who are residents of the school corporation are
- 11 entitled to vote after certification of the question under IC 3-10-9-3.
- 12 The certification of the question must occur not later than noon:
- 13 (1) sixty (60) days before a primary election if the question is to
- 14 be placed on the primary or municipal primary election ballot; or
- 15 (2) August 1 if the question is to be placed on the general or
- 16 municipal election ballot.
- 17 (b) However, if a primary election, general election, or municipal
- 18 election will not be held during the first year in which the public
- 19 question is eligible to be placed on the ballot under this chapter and if
- 20 the school corporation requests the public question to be placed on the
- 21 ballot at a special election, the public question shall be placed on the
- 22 ballot at a special election to be held on the first Tuesday after the first
- 23 Monday in May or November of the year. The certification must occur
- 24 not later than noon:
- 25 (1) sixty (60) days before a special election to be held in May (if
- 26 the special election is to be held in May); or
- 27 (2) August 1 (if the special election is to be held in November).
- 28 (c) If the referendum is not conducted at a primary election, general
- 29 election, or municipal election, the school corporation in which the
- 30 referendum is to be held shall pay all the costs of holding the
- 31 referendum.
- 32 SECTION 76. IC 33-35-1-1, AS AMENDED BY P.L.278-2019,
- 33 SECTION 176, IS AMENDED TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) During 2022 and every fourth
- 35 year after that, a second or third class city or a town may by ordinance
- 36 establish or abolish a city or town court. An ordinance to establish a
- 37 city or town court must be adopted not less than one (1) year before the
- 38 judge's term would begin under section 3 of this chapter.
- 39 (b) The judge for a court established under subsection (a) shall be
- 40 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in
- 41 November 2019 2023 and every four (4) years thereafter.
- 42 (c) A court established under subsection (a) comes into existence on



1 January 1 of the year following the year in which a judge is elected to
2 serve in that court.

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

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

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

8 (2) The secretary of state.

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

11 SECTION 77. IC 33-35-1-3, AS AMENDED BY P.L.109-2015,
12 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2020]: Sec. 3. (a) The judge of a city or town court shall be
14 elected under IC 3-10-6 or ~~IC 3-10-7~~ by the voters of the city or town.

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

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

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

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

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

27 (d) This subsection applies to a town that adopts an ordinance under
28 **IC 3-10-6-2.7 (or under IC 3-10-7-2.7 before July 1, 2020)**. The term
29 of office of:

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

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

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

36 (e) This subsection applies to a town that adopts an ordinance under
37 **IC 3-10-6-2.9 (or under IC 3-10-7-2.9 before July 1, 2020)**. The term
38 of office of:

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

42 (2) the successors of the judge described in subdivision (1) is four



1 (4) years.

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

5 SECTION 78. IC 33-35-3-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The officers of a
7 city court are a:

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

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

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

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

24 SECTION 79. IC 35-52-3-43, AS ADDED BY P.L.169-2014,
25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2020]: Sec. 43. (a) IC 3-14-2-30 defines a crime concerning
27 voting.

28 **(b) This section expires January 1, 2021.**

29 SECTION 80. IC 36-1-1.5-8, AS ADDED BY P.L.234-2013,
30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2020]: Sec. 8. The following apply if the voters of an eligible
32 municipality file a sufficient petition under section 7 of this chapter:

33 (1) The clerk of the eligible municipality shall certify the petition
34 to the county election board.

35 (2) ~~A special election on~~ The public question shall be held in the
36 eligible municipality ~~in the manner prescribed by IC 3-10-8-6.~~
37 ~~The special election shall be held on a date that:~~

38 (A) is determined by the legislative body of the eligible
39 municipality; and

40 (B) is not more than one (1) year after the date on which the
41 clerk of the eligible municipality certifies the petition to the
42 county election board.



- 1 **at the next primary, general, or municipal election.**
 2 (3) The clerk of the eligible municipality shall give notice of the
 3 ~~special~~ election by publication in the manner prescribed by
 4 IC 5-3-1.
 5 ~~(4) The eligible municipality shall pay the costs of holding the~~
 6 ~~special election:~~
 7 ~~(5)~~ (4) The county election board shall place the following
 8 question on the ballot in the eligible municipality:
 9 "Shall the territory of _____ (insert the name of the
 10 eligible municipality) be transferred from _____
 11 (insert the name of the transferor township) to an adjacent
 12 township?"
 13 ~~(6)~~ (5) After the ~~special~~ election on the public question is held,
 14 the county election board:
 15 (A) shall file with the clerk of the eligible municipality the
 16 results of the ~~special~~ election for each precinct of the eligible
 17 municipality in the manner prescribed by IC 3-12-4; and
 18 (B) shall certify a copy of the results of the ~~special~~ election to:
 19 (i) the county auditor;
 20 (ii) the legislative body and executive of the eligible
 21 municipality; and
 22 (iii) the legislative body and executive of each township that
 23 includes territory of the eligible municipality.
 24 SECTION 81. IC 36-1-1.5-9, AS AMENDED BY P.L.129-2019,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2020]: Sec. 9. The following apply if at least two-thirds (2/3)
 27 of the voters voting ~~in a special election on the public question~~ under
 28 this chapter vote "yes" on the public question: ~~under this chapter:~~
 29 (1) The legislative body of the eligible municipality may, within
 30 one (1) year after the ~~special~~ election, submit a petition to one (1)
 31 or more adjacent townships requesting an adjacent township to
 32 accept the transfer of the territory of the eligible municipality that
 33 is within the transferor township.
 34 (2) The legislative body of an adjacent township that receives a
 35 petition under subdivision (1) may adopt a resolution accepting
 36 the transfer of the territory of the eligible municipality that is
 37 within the transferor township and specifying the date on which
 38 the transfer is effective. However, the legislative body of the
 39 adjacent township may adopt a resolution accepting the transfer
 40 of the territory of the eligible municipality only within the two (2)
 41 year period following the date on which the legislative body
 42 receives the petition.



1 (3) If the legislative body of the eligible municipality submits a
 2 petition to one (1) or more adjacent townships under subdivision
 3 (1) within one (1) year after the ~~special~~ election, but a resolution
 4 accepting the transfer of the territory of the eligible municipality
 5 within the transferor township is not adopted by the legislative
 6 body of an adjacent township within the two (2) year period
 7 following the date on which the last legislative body of a township
 8 receives such a petition:

9 (A) the territory of the eligible municipality may not be
 10 transferred under this chapter; and

11 (B) a subsequent ~~special~~ election under this chapter may not
 12 be held in the eligible municipality.

13 (4) If the legislative body of the eligible municipality does not
 14 submit a petition to one (1) or more adjacent townships under
 15 subdivision (1) within one (1) year after the ~~special~~ election:

16 (A) the territory of the eligible municipality may not be
 17 transferred under this chapter; and

18 (B) a subsequent ~~special~~ election under this chapter may not
 19 be held in the eligible municipality.

20 SECTION 82. IC 36-1-1.5-10, AS ADDED BY P.L.234-2013,
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2020]: Sec. 10. If less than two-thirds (2/3) of the voters
 23 voting in a ~~special election on the public question~~ under this chapter
 24 vote "yes" on the public question: ~~under this chapter:~~

25 (1) the territory of the eligible municipality may not be transferred
 26 under this chapter; and

27 (2) a subsequent ~~special~~ election under this chapter may not be
 28 held in the eligible municipality.

29 SECTION 83. IC 36-1.5-4-35 IS REPEALED [EFFECTIVE JULY
 30 1, 2020]. Sec. 35: (a) ~~This section applies to an initial election:~~

31 ~~(1) of the members of a governing body or officers that are
 32 elected by the voters for a reorganized political subdivision that:~~

33 ~~(A) is a town; and~~

34 ~~(B) has town boundaries that encompass part of another town
 35 that was part of the reorganization;~~

36 ~~(2) that is conducted before the reorganization takes effect; and~~

37 ~~(3) to which IC 3-10-7-1 applies.~~

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

41 SECTION 84. IC 36-5-1-8, AS AMENDED BY P.L.216-2015,
 42 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2020]: Sec. 8. (a) The county executive may approve a
 2 petition for incorporation only if it finds all of the following:

3 (1) That the proposed town is used or will, in the reasonably
 4 foreseeable future, be used generally for commercial, industrial,
 5 residential, or similar purposes.

6 (2) That the proposed town is reasonably compact and contiguous.

7 (3) That the proposed town includes enough territory to allow for
 8 reasonable growth in the foreseeable future.

9 (4) That a substantial majority of the property owners in the
 10 proposed town have agreed that at least six (6) of the following
 11 municipal services should be provided on an adequate basis:

12 (A) Police protection.

13 (B) Fire protection.

14 (C) Street construction, maintenance, and lighting.

15 (D) Sanitary sewers.

16 (E) Storm sewers.

17 (F) Health protection.

18 (G) Parks and recreation.

19 (H) Schools and education.

20 (I) Planning, zoning, and subdivision control.

21 (J) One (1) or more utility services.

22 (K) Stream pollution control or water conservation.

23 (5) That the proposed town could finance the proposed municipal
 24 services with a reasonable tax rate, using the current assessed
 25 valuation of properties as a basis for calculation.

26 (6) That incorporation is in the best interest of the territory
 27 involved. This finding must include a consideration of:

28 (A) the expected growth and governmental needs of the area
 29 surrounding the proposed town;

30 (B) the extent to which another unit can more adequately and
 31 economically provide essential services and functions; and

32 (C) the extent to which the incorporators are willing to enter
 33 into agreements under IC 36-1-7 with the largest neighboring
 34 municipality, if that municipality has proposed such
 35 agreements.

36 (b) If the county executive determines that the petition satisfies the
 37 requirements set forth in subsection (a), the county executive may do
 38 any of the following:

39 (1) Adopt an ordinance under section 10.1 of this chapter
 40 incorporating the town.

41 (2) Deny the petition.

42 (3) Adopt a resolution to place a public question concerning the



1 incorporation on the ballot at **an the next primary, general, or**
 2 **municipal** election. The county executive shall request a date for
 3 the election as follows:

4 (A) If the county executive requests the public question be on
 5 the same date as a general election or primary election:

6 (i) the resolution must state that the election is to be on the
 7 same date as a general or primary election; and must be
 8 certified in accordance with IC 3-10-9-3; and

9 (ii) the election must be held on the date of the next general
 10 election or primary election; whichever is earlier; at which
 11 the question can be placed on the ballot under IC 3-10-9-3.

12 (B) If a petition contains a request for a special election, the
 13 county executive may request that the public question
 14 concerning the incorporation will be on the ballot of a special
 15 election. An election may be considered a special election only
 16 if it is conducted on a date other than the date of a general
 17 election or primary election. The date of the special election
 18 must be:

19 (i) at least seventy-four (74) and not more than one hundred
 20 four (104) days after the notice of the election is filed under
 21 IC 3-10-8-4; and

22 (ii) not later than the next general election or primary
 23 election; whichever is earlier.

24 If the public question is on the ballot of a special election the
 25 petitioners shall pay the costs of holding the special election. If
 26 the county executive adopts a resolution under this subdivision,
 27 the county executive shall file the resolution and the petition with
 28 the circuit court clerk of each county that contains any part of the
 29 territory sought to be incorporated.

30 (c) After a resolution is filed with a circuit court clerk under
 31 subsection (b)(3), the circuit court clerk shall certify the resolution to
 32 the county election board. The county election board shall place the
 33 following public question on the ballot:

34 "Shall (insert a description of the territorial boundaries) be
 35 incorporated as a town?".

36 Only the registered voters residing within the territory of the proposed
 37 town may vote on the public question.

38 (d) Not earlier than sixty (60) days and not later than thirty (30) days
 39 before the election, the petitioners shall publish a notice in accordance
 40 with IC 5-3-1 in each county where the proposed town is located. The
 41 notice must include the following:

42 (1) A description of the boundaries of the proposed town and the



- 1 quantity of land contained in the territory of the proposed town.
 2 (2) The information provided under section 3(3) through 3(6) of
 3 this chapter.
 4 (3) The name, telephone number, and electronic mail address (if
 5 available) of the contact person for the petitioners.
 6 (4) A statement that the petition is available for inspection and
 7 copying in the office of the circuit court clerk of each county
 8 where the proposed town is located.
 9 The petitioners shall submit proof of publication of the notice to the
 10 circuit court clerk of each county in which the proposed town is
 11 located. A defect in the form of the notice does not invalidate the
 12 petition.
 13 (e) If a majority of the voters residing within the territory of the
 14 proposed town:
 15 (1) vote "no" on the public question, the territory is not
 16 incorporated as a town, and a new petition for incorporation may
 17 not be filed within the period set forth in section 9 of this chapter;
 18 or
 19 (2) vote "yes" on the public question, the county executive of each
 20 county in which the proposed town is located shall adopt an
 21 ordinance under section 10.1 of this chapter.
 22 (f) The circuit court clerk shall certify the results of a public
 23 question under this section to the following:
 24 (1) The county executive of each county in which the proposed
 25 incorporated territory is located.
 26 (2) The county auditor of each county in which the proposed
 27 incorporated territory is located.
 28 (3) The department of local government finance.
 29 (4) The department of state revenue.
 30 (5) The state board of accounts.
 31 (6) The office of the secretary of state.
 32 (7) The office of census data established by IC 2-5-1.1-12.2.
 33 (8) The election division.
 34 SECTION 85. IC 36-5-1.1-10.6, AS AMENDED BY P.L.113-2010,
 35 SECTION 128, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2020]: Sec. 10.6. (a) This section applies to
 37 included towns.
 38 (b) The dissolution of a town under this section may be instituted by
 39 filing a petition with the county board of registration. The petition must
 40 be signed by at least the number of the registered voters of the town
 41 required to place a candidate on the ballot under IC 3-8-6-3. The
 42 petition must be filed not later than June 1 of a year in which a general



1 **election** or municipal **general** election will be held.

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

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

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

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

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

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

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

20 (f) A dissolution under this section may not take effect during the
21 year preceding a year in which a federal decennial census is conducted.
22 A dissolution under this section that would otherwise take effect during
23 the year preceding a year in which the federal decennial census is
24 conducted takes effect January 1 of the year in which a federal
25 decennial census is conducted.

26 (g) When a town is dissolved under this section:

27 (1) the territory included within the town when the ordinance was
28 adopted becomes a part of the consolidated city;

29 (2) the books and records of the town become the property of the
30 county executive;

31 (3) the property owned by the town after payment of debts and
32 liabilities shall be disposed of by the county executive; and

33 (4) the county executive shall deposit any proceeds remaining
34 after payment of debts and liabilities into the county general fund.

35 (h) The dissolution of a town under this section does not affect the
36 validity of a contract to which the town is a party.

37 (i) ~~Notwithstanding subsection (f) as that subsection existed on~~
38 ~~December 31, 2009; a dissolution that took effect January 2, 2010;~~
39 ~~because of the application of subsection (f); as that subsection existed~~
40 ~~on December 31, 2009; is instead considered to take effect January 1,~~
41 ~~2010; without any additional action being required.~~

42 SECTION 86. IC 36-5-2-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. The town council
 2 elected under IC 3-10-6 or IC 3-10-7 (**before its repeal**) is the town
 3 legislative body. The president of the town council selected under
 4 section 7 of this chapter is the town executive.

5 SECTION 87. IC 36-5-2-3, AS AMENDED BY P.L.109-2015,
 6 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (b), (c),
 8 (d), (e), (f), or (g), the term of office of a member of the legislative
 9 body is four (4) years, beginning at noon January 1 after the member's
 10 election and continuing until the member's successor is elected and
 11 qualified.

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

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

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

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

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

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

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

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

36 (f) The term of office of a member of a legislative body subject to
 37 an ordinance described by **IC 3-10-6-2.7** (or by IC 3-10-7-2.7, **before**
 38 **its repeal**) is:

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

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



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

3 (g) The term of office of a member of a legislative body subject to
4 an ordinance described by **IC 3-10-6-2.9** (or by IC 3-10-7-2.9, **before**
5 **its repeal**) is:

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

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

11 SECTION 88. IC 36-5-2-4.1, AS AMENDED BY P.L.74-2017,
12 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2020]: Sec. 4.1. (a) The legislative body may, by ordinance,
14 divide the town into districts for the purpose of conducting elections of
15 town officers.

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

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

20 (2) The district must be reasonably compact.

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

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

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

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

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

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

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

40 (1) is contiguous to that territory; and

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



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

- 4 (1) is one (1) of the districts in which the territory is described in
 5 the ordinance adopted under this section;
 6 (2) is contiguous to that territory; and
 7 (3) contains the least population of all districts contiguous to that
 8 territory.

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

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

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

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

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

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

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

- 27 (1) may not be adopted or repealed during a year in which a
 28 municipal election is scheduled to be conducted in the town under
 29 IC 3-10-6; ~~or IC 3-10-7~~; and
 30 (2) is effective upon passage.

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

- 36 (1) adopted under subsection (a); or
 37 (2) recertified under subsection (k).

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



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

9 (m) If a conflict exists between:

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

11 (2) a description of the boundaries of that district set forth in the
 12 ordinance;

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

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

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

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

23 the town legislative body districts are abolished, effective January 1,
 24 2018. A town described by this subsection may adopt an ordinance to
 25 establish town legislative body districts in accordance with subsection
 26 (a) and subject to subsection (g) after January 1, 2018.

27 SECTION 89. IC 36-5-2-4.2 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.2. (a) This section
 29 applies to the alteration of the number of members of a legislative
 30 body.

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

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

36 (2) The date of the general **election or** municipal **or special**
 37 **general** election at which the public question will appear on the
 38 ballot.

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

41 "Shall the number of town council members be increased (or
 42 decreased, if applicable) from _____ (insert the current



- 1 number of members provided for) to _____ (insert the
2 number of members proposed in the resolution)?".
- 3 (c) IC 3 applies to an election conducted under subsection (b). If the
4 county election board will conduct the election at which the public
5 question will be submitted, the question must be certified to the board
6 under IC 3-10-9-3.
- 7 (d) If a majority of the votes cast on the question under subsection
8 (b) are in the negative, the legislative body may not adopt a resolution
9 under subsection (b) for at least one (1) year following the date the
10 prior resolution was adopted.
- 11 (e) If a majority of votes cast on the question under subsection (b)
12 are in the affirmative, the legislative body shall adopt an ordinance at
13 its next regular meeting following the election altering the number of
14 legislative body members to the number specified in the public
15 question. The legislative body may also alter existing districts and
16 establish new districts in the manner prescribed by IC 36-5-1-10.1. An
17 ordinance adopted under this subsection becomes effective January 1
18 following its adoption.
- 19 (f) If the number of legislative body members is increased, the
20 legislative body shall fill any resulting vacancy under IC 3-13-9-4. The
21 legislative body may fill the vacancy before the ordinance described in
22 subsection (e) takes effect. However, a town legislative body member
23 appointed under this subsection does not assume office until the
24 beginning of the term specified in section 3 of this chapter.
- 25 SECTION 90. IC 36-5-6-3, AS AMENDED BY P.L.109-2015,
26 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2020]: Sec. 3. (a) The clerk-treasurer must reside within the
28 town as provided in Article 6, Section 6 of the Constitution of the State
29 of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer
30 ceases to be a resident of the town.
- 31 (b) Except as provided in subsection (c), (d), (e), or (f), the term of
32 office of the clerk-treasurer is four (4) years, beginning at noon January
33 1 after election and continuing until a successor is elected and
34 qualified.
- 35 (c) The term of office of a clerk-treasurer elected under
36 IC 36-5-1-10.1 following the incorporation of the town:
37 (1) begins at noon November 30 following the election; and
38 (2) continues until noon January 1 following the next municipal
39 election scheduled under IC 3-10-6-5 or ~~IC 3-10-7-6~~ and until the
40 clerk-treasurer's successor is elected and qualified.
- 41 (d) The term of office of a clerk-treasurer subject to an ordinance
42 described by IC 3-10-6-2.6 is:



- 1 (1) one (1) year if the clerk-treasurer is elected at the next
 2 municipal election not conducted in a general election year; and
 3 (2) four (4) years for the successors of the clerk-treasurer
 4 described in subdivision (1);
 5 beginning at noon January 1 after the clerk-treasurer's election and
 6 continuing until the clerk-treasurer's successor is elected and qualified.
- 7 (e) The term of office of a clerk-treasurer subject to an ordinance
 8 described by **IC 3-10-6-2.7 (or by IC 3-10-7-2.7, before its repeal)** is:
 9 (1) three (3) years if the clerk-treasurer is elected at the next
 10 municipal election not conducted in a general election year; and
 11 (2) four (4) years for the successors of the clerk-treasurer
 12 described in subdivision (1);
 13 beginning noon January 1 after the clerk-treasurer's election and
 14 continuing until the clerk-treasurer's successor is elected and qualified.
- 15 (f) The term of office of a clerk-treasurer subject to an ordinance
 16 described by **IC 3-10-6-2.9 (or by IC 3-10-7-2.9, before its repeal)** is:
 17 (1) the term of office provided by the ordinance, not to exceed
 18 four (4) years, for the clerk-treasurer elected in the first election
 19 cycle after adoption of the ordinance; and
 20 (2) four (4) years for the successors of the clerk-treasurer
 21 described in subdivision (1).
- 22 SECTION 91. IC 36-5-6-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The clerk-treasurer
 24 shall be elected under IC 3-10-6 ~~or IC 3-10-7~~ by the voters of the whole
 25 town.
 26 SECTION 92. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1222, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 34 through 39.

Page 4, delete lines 36 through 42.

Page 5, delete lines 1 through 37.

Page 19, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 32. IC 3-11-1.5-3.1, AS ADDED BY P.L.278-2019, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.1. (a) Except as provided in subsection (b), after June 30, 2019, a county may not establish a precinct under this chapter so that any precinct has less than six hundred (600) active voters.

(b) A county may establish a precinct having less than six hundred (600) active voters if ~~either~~ **any** of the following apply:

(1) The precinct to be established would consist of an entire:

(A) county commissioner district;

(B) county council district;

(C) township;

(D) city;

(E) town;

(F) city common council district; or

(G) town council district.

(2) Establishing the precinct is required so that a boundary of a governmental entity or election district described in section 4 of this chapter is not crossed.

(3) This subdivision only applies to the establishment of precincts necessary because of the annexation of territory into a municipality. If a precinct is divided to assign some of the territory of the precinct to a municipality because of an annexation, any part of the divided precinct may form a separate precinct that does not comply with the requirement of subsection (a).

SECTION 33. IC 3-11-1.5-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.2. (a) A county executive may file a petition with the election division requesting the commission to waive the requirements imposed by section 3 **or 3.1(a)** of this chapter. The petition must:

(1) identify each precinct to be subject to the waiver;

(2) state the number of voters that would be included in each precinct described in subdivision (1) if the waiver is granted; and

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(3) state the reasons why the waiver should be granted.

(b) If the commission determines that compliance with the requirements of section 3 **or 3.1(a)** of this chapter would result in unnecessary expense and inconvenience for the county, the commission may grant a waiver exempting some or all of the precincts identified in the petition from section 3 **or 3.1(a)** of this chapter.

(c) A waiver granted for a precinct under this section expires when the county executive submits a subsequent proposed precinct establishment order for that precinct."

Page 20, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 36. IC 3-11-18.1-3, AS AMENDED BY P.L.170-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3. (a) A county must comply with this section to become a vote center county.

(b) As used in this section, "board" refers to any of the following:

- (1) The county election board.
- (2) The board of elections and registration.

(c) The board shall hold a public hearing to present a draft plan for administration of vote centers in the county.

(d) After presentation of the draft plan under subsection (c), the board shall accept written public comments on the draft plan.

(e) At least thirty (30) days after the hearing held under subsection (c), the board shall hold a public hearing to consider the following:

- (1) The draft plan.
- (2) The written public comments.
- (3) Any other public comment that the board may permit on the draft plan.

(f) After consideration of the draft plan and the public comments, the board may do the following:

- (1) Adopt an order approving the draft plan.
- (2) Amend the draft plan and adopt an order approving the amended draft plan.

Subject to section 16 of this chapter, the board may adopt the order to approve a plan only by a unanimous vote of the entire membership of the board.

~~(g) All members of the board must sign the order adopting the plan.~~

~~(h)~~ (g) The order and the adopted plan must be filed with the election division and must include a copy of:

- (1) a resolution adopted by the county executive; and
- (2) a resolution adopted by the county fiscal body;

approving the designation of the county as a vote center county."

Page 21, between lines 3 and 4, begin a new paragraph and insert:



"SECTION 38. IC 3-11-18.1-8, AS AMENDED BY P.L.258-2013, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 8. (a) Except as provided in subsection (b), the designation of a county as a vote center county takes effect immediately upon the filing of the order with the election division, unless otherwise specified by the county election board.

(b) An order filed with the election division during the final sixty (60) days before an election becomes effective on the day following the election.

(c) **Subject to section 16 of this chapter**, the designation of a county as a vote center county remains in effect until the county election board, by unanimous vote of its entire membership:

- (1) rescinds the order designating the county as a vote center county; and
- (2) files a copy of the document rescinding the order with the election division."

Page 21, between lines 14 and 15, begin a new paragraph and insert: "SECTION 40. IC 3-11-18.1-15, AS AMENDED BY P.L.170-2019, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 15. (a) A county may amend a plan adopted with a county election board's order under section 3 of this chapter.

(b) For a county to amend its plan:

- (1) **subject to section 16 of this chapter**, the county election board or board of elections and registration, by unanimous vote of the entire membership of the board, must approve the plan amendment;
- ~~(2) all members of the board must sign the amendment;~~ and
- ~~(3)~~ **(2)** the amendment must be filed with the election division.

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county election board.

SECTION 41. IC 3-11-18.1-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 16. (a) This section applies to the adoption, rescission, or amendment of a vote center plan under this chapter.**

(b) Notwithstanding section 3, 8, or 15 of this chapter, the adoption, rescission, or amendment of a vote center plan may be done if both of the following apply:

- (1) A majority vote of the entire membership of the board votes to adopt, rescind, or amend the vote center plan.**
- (2) At least two (2) of the members of the board voting to**



adopt, rescind, or amend the vote center plan are members of different political parties."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1222 as introduced.)

WESCO

Committee Vote: yeas 9, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1222, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 8, delete lines 16 through 33.

Page 12, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 20. IC 3-10-1-19, AS AMENDED BY P.L.278-2019, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the form described in this section for all the offices for which candidates have qualified under IC 3-8.

(b) The following shall be printed as the heading for the ballot for a political party:

"OFFICIAL PRIMARY BALLOT

_____ Party (insert the name of the political party)".

(c) The following shall be printed immediately below the heading required by subsection (b) or be posted in each voting booth as provided in IC 3-11-2-8(b):

(1) For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

(2) For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.

(3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper



column.

(4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

(d) Local public questions shall be placed on the primary election ballot after the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g):

(e) The local public questions described in subsection (d) shall be placed as follows:

(1) In a separate column on the ballot if voting is by paper ballot.

(2) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-13-11 if voting is by ballot card.

(3) As provided by either of the following if voting is by an electronic voting system:

(A) On a separate screen for a public question:

(B) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-14-3.5.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

YES

NO

(g) (d) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.



- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Prosecuting attorney.
- (E) Circuit court clerk.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner.
 - (I) County council member.
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.
 - (C) Township board member.
 - (D) Judge of the small claims court.
 - (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.

~~(h)~~ (e) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection ~~(g)~~: (d):

- (1) Precinct committeeman.
- (2) State convention delegate.

~~(i)~~ (f) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection ~~(h)~~: (e).

~~(j)~~ (g) The offices described in subsection ~~(i)~~ (f) shall be placed as follows:



- (1) In a separate column on the ballot if voting is by paper ballot.
- (2) After the offices described in subsection ~~(h)~~ (e) in the form specified in IC 3-11-13-11 if voting is by ballot card.
- (3) Either:
 - (A) on a separate screen for each office; ~~or public question;~~ or
 - (B) after the offices described in subsection ~~(h)~~ (e) in the form specified in IC 3-11-14-3.5;
 if voting is by an electronic voting system.

SECTION 21. IC 3-10-1-19.5, AS AMENDED BY P.L.21-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19.5. Notwithstanding section 19 of this chapter, the county election board may alter the prescribed ballot order to place the names of the candidates for the following offices before the names of the candidates for county judicial offices:

- (1) Prosecuting attorney.
- (2) Clerk of the circuit court.
- (3) The county offices listed in section ~~19(g)(4)~~ **19(d)(4)** of this chapter.

SECTION 22. IC 3-10-1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 29. The canvass of votes cast in a primary election shall, as far as applicable, be made in the same manner and by the same officers as the canvass at a general election. The tally sheet upon which the count has been entered shall be included in the returns of the election. Each precinct election board shall, on blanks provided for that purpose, make full and accurate returns of the votes cast for each candidate ~~and on each public question~~ unless votes were cast on a ballot card voting system that is not designed to allow the counting and tabulation of votes by the precinct election board. The board shall set forth in the return, opposite the name of each candidate, ~~and public question,~~ the number of votes cast for the candidate. ~~and for or against each public question.~~ The tabular statement must contain the following information, with the names of candidates ~~and public questions~~ arranged in the order in which they appear upon the official ballot:

- (1) The name of the precinct.
- (2) The name of the township (or ward).
- (3) The name of the county.
- (4) The name of the party of the candidates for Representative in Congress.

SECTION 23. IC 3-10-1-31.3, AS AMENDED BY P.L.74-2017, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31.3. (a) This subsection applies to a primary



election within an election district in which more than one (1) political party chooses the party's nominees or in which a nonpartisan ballot is available for a voter to vote for an office. ~~or on a public question.~~ A voter whose political party is not recorded on the poll list as required under section 24 of this chapter shall be shown on the voter's registration record as having cast an unknown ballot in that primary.

(b) This subsection applies to a primary election within an election district in which only one (1) political party chooses its nominees and a nonpartisan ballot is not available. A voter:

- (1) whose political party recorded on the poll list is not the political party conducting a primary within the election district;
- (2) who is indicated on the poll list as having requested a nonpartisan ballot; or
- (3) whose political party is not recorded on the poll list as required under section 24 of this chapter;

shall be shown on the voter's registration record as having cast a ballot for the political party choosing that political party's nominees in that primary election.

SECTION 24. IC 3-10-1-32, AS AMENDED BY P.L.179-2011, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 32. Primary election returns must contain the whole number of votes cast for each of the following:

- (1) Each candidate of each political party.
- ~~(2) Each public question voted on at the primary election.~~
- ~~(3)~~ **(2)** Each candidate for election to a political party office."

Page 18, line 16, delete "The:" and insert "The".

Page 18, between lines 22 and 23, begin a new paragraph and insert: "SECTION 37. IC 3-10-9-3, AS AMENDED BY P.L.225-2011, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **(a) Except as otherwise specifically provided by a statute, a local public question may be placed on the ballot only at the following elections:**

- (1) A general election.**
- (2) A municipal general election, but only if the election district for the public question is contained entirely within a municipality.**

(b) If a local public question must be certified to an election board by law, that certification must occur ~~no~~ **not** later than noon

- ~~(1) seventy-four (74) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or~~
- ~~(2) August 1. if the public question is to be placed on the general~~



or municipal election ballot."

Page 19, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 34. IC 3-11-2-10, AS AMENDED BY P.L.278-2019, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, if instructions are printed on the ballot:

(1) Ratification of a state constitutional amendment.

(2) Local public questions.

Subject to section 10.1 of this chapter, each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. **Notwithstanding section 8(b) of this chapter**, the instructions for voting a straight party ticket shall be placed to the right of the device **if instructions are printed** on the ballot.

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following:

"(1) You are not required to vote a straight party ticket. If you do not wish to vote a straight party ticket, do not make a mark in this section and proceed to voting the ballot by office.

(+) (2) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, except for candidates described in ~~(2)~~ **(3)** below, make a voting mark on or in this circle and do not make any other marks on this ballot.

~~(2)~~ **(3)** To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot) to which more than one **(1)** person may be elected, you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.

~~(3)~~ **(4)** If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(d) Except as permitted under section 8(b) of this chapter, if the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot



must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) Except as permitted under section 8(b) of this chapter, the ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) Subject to section 10.1 of this chapter, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 34. IC 3-11-4-17.7, AS AMENDED BY P.L.278-2019, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17.7. (a) This section applies when a voter:

- (1) has been mailed the official ballot under this chapter; and
- (2) notifies the county election board that:
 - (A) the ballot has been destroyed, spoiled, lost, or not received by the voter after a reasonable time has elapsed for delivery of the ballot by mail;
 - (B) the absentee ballot does not bear the bipartisan initials required under section 19 of this chapter; or
 - (C) the absentee ballot envelope was not signed by the voter.

(b) As required under 52 U.S.C. 21081, the voter may obtain a replacement official ballot under the procedures set forth in this chapter after the voter files a statement with the county election board. The statement must affirm, under penalties of perjury, that the voter did not receive the official ballot (or that the ballot was received by the voter, but was destroyed, spoiled, or lost), and must set forth any facts known by the voter concerning the destruction, spoiling, or loss of the ballot. **A voter may file the statement required by this section by any of the following means:**

- (1) **In person.**

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(2) By fax.

(3) By mail (including United States mail or bonded courier).

(4) By electronic mail with a digital image of the statement and signature of the voter.

(c) After a voter files the statement required under subsection (b), the circuit court clerk shall do the following:

(1) Place the written request with the absentee voter's original ballot.

(2) Mark "canceled" on the envelope containing the original ballot.

(3) Preserve the original ballot with the other defective ballots.

(4) Deliver a new ballot to the absentee voter.

(d) If a voter requests a replacement ballot for a primary election, the county election board may not provide the voter with a primary election ballot for a political party different from the political party indicated in the voter's application for an absentee ballot.

(e) After receiving the official replacement ballot, the voter shall destroy any spoiled ballot in the possession of the voter or any lost or delayed official ballot that comes into the possession of the voter."

Page 20, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 35. IC 3-11-10-26.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 26.7. (a) This section applies to a voter voting an absentee ballot before an absentee voter board under this chapter.**

(b) If a voter attempts to leave the voting location without completing the casting of the voter's absentee ballot, a member of the absentee voter board shall:

(1) attempt to advise the voter not to leave the voting location because the voter's ballot has not been cast; and

(2) permit the voter an opportunity to complete the casting of the voter's absentee ballot.

(c) If the voter has left the voting location, or declines to complete the casting of the voter's absentee ballot, the members of the absentee voter board shall process the voter's absentee ballot in the same manner as the absentee ballot would have been processed if the voter had completed the casting of the voter's absentee ballot.

(d) After the voter's absentee ballot has been processed under subsection (c), the members of the absentee voter board shall promptly complete a form prescribed under IC 3-5-4-8 containing the following information:



- (1) The name of the voter who left the voting location without completing the casting of the voter's absentee ballot if the voter's name is known.
- (2) The approximate time that the voter left the voting location.
- (3) Whether the voter was advised that the voter could complete the casting of the voter's absentee ballot.
- (4) A statement made under the penalties for perjury indicating that:
 - (A) the members of the absentee voter board processed the voter's absentee ballot as if the voter had completed the casting of the voter's absentee ballot; and
 - (B) the members of the absentee voter board did not make any alteration to the choices made by the voter.

The form must be signed by each member of the absentee voter board.

SECTION 36. IC 3-11-10-36.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 36.5. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as a member of an absentee voter board, or otherwise to assist the circuit court clerk with processing absentee voter applications and ballots, if the individual satisfies all the following:**

- (1) The individual is at least sixteen (16) years of age but not eighteen (18) years of age or older.
- (2) The individual is a citizen of the United States.
- (3) The individual is a resident of the county.
- (4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.
- (5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the individual is educated in the home, the approval of the individual responsible for the education of the individual.
- (6) The individual has the approval of the individual's parent or legal guardian.
- (7) The individual has satisfactorily completed any training required by the county election board.
- (8) The individual otherwise is eligible to serve as a member of an absentee voter board under section 36 of this chapter but is not required to be a registered voter of the county.



(b) An individual appointed to an absentee voter board or assistant under this section, while serving as a member of an absentee voter board or assistant:

(1) is not required to obtain an employment certificate under IC 20-33-3; and

(2) is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 36. IC 3-11-13-11, AS AMENDED BY P.L.278-2019, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

(1) print all offices and questions on a single ballot card; and

(2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.



(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to



at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 ~~may must~~ be placed on the ballot label. ~~or in a location within the voting booth in a location that permits the voter to easily read the~~



~~instructions.~~ **The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, do not make a mark in this section and proceed to voting the ballot by office."**

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of political parties or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question.

SECTION 37. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the



device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office. To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.
- (2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.
- (3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).
- (4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).
- (5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot,



the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public



question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

- (1) placed on the ballot label; or
- (2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

- (1) the name of the political party or independent ticket; and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 ~~may~~ **must** be placed on the ballot label. ~~or in a location within the voting booth that permits the voter to easily read the instructions.~~ **The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, press "NEXT" (or replace "NEXT" with the term used by that voting system to permit a voter to skip a ballot screen) to continue voting."**

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters."

Page 22, between lines 38 and 39, begin a new paragraph and insert:
"SECTION 43. IC 3-11.5-4-2 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) This section applies to a voter voting by an absentee ballot that is defective and ordered corrected under IC 3-11-2-16 or includes a candidate for election to office who:

- (1) ceases to be a candidate; and
- (2) is succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2.

(b) Through the last day before the election day, an absentee voter may recast the ballot during the period specified by IC 3-11-10-26. To obtain another set of ballots, the absentee voter must **present file** a written request for another set of ballots from the circuit court clerk. **A voter may file the request required by this section by any of the following means:**

- (1) In person.**
- (2) By fax.**
- (3) By mail (including United States mail or bonded courier).**
- (4) By electronic mail with a digital image of the statement and signature of the voter.**

(c) Upon receiving a written request under subsection (b), the circuit court clerk shall do the following:

- (1) Place the written request with the absentee voter's original ballots.
- (2) Mark "canceled" on the original set of ballots.
- (3) Preserve the original ballots with other defective ballots.
- (4) Deliver a new set of ballots to the absentee voter.

SECTION 44. IC 3-11.5-4-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 22.5. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as a member of an absentee voter board, a member of a team of absentee ballot counters, or as a member of a team of couriers, or otherwise to assist the circuit court clerk with processing absentee ballots, if the individual satisfies all the following:**

- (1) The individual is at least sixteen (16) years of age but not eighteen (18) years of age or older.**
- (2) The individual is a citizen of the United States.**
- (3) The individual is a resident of the county.**
- (4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.**
- (5) The individual has the written approval of the principal of the school the individual attends at the time of the**



appointment or, if the individual is educated in the home, the approval of the individual responsible for the education of the individual.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve under section 22 of this chapter but is not required to be a registered voter of the county.

(b) An individual appointed under this section, while serving:

(1) is not required to obtain an employment certificate under IC 20-33-3; and

(2) is not subject to the limitations on time and duration of employment under IC 20-33-3."

Page 25, after line 42, begin a new paragraph and insert:

"SECTION 47. IC 3-13-1-10, AS AMENDED BY P.L.216-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) To be eligible to participate in a caucus called under section 4, 5, or 6 of this chapter, an elected precinct committeeman must be entitled to vote for the office for which a candidate is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the ballot vacancy occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under section 4, 5, or 6 of this chapter **only if both of the following apply:**

(1) The precinct committeeman was a committeeman thirty (30) days before the vacancy occurred.

(2) The precinct committeeman is entitled to vote for the office for which a candidate is to be selected.

(c) For purposes of a candidate vacancy resulting from the failure of a candidate to be nominated at a primary at which precinct committeemen were elected, an appointed precinct committeeman is eligible to serve **only if both of the following apply:**

(1) The precinct committeeman has been reappointed following the primary in accordance with the rules of the committeeman's political party.

(2) The precinct committeeman is entitled to vote for the office for which a candidate is to be selected.

SECTION 48. IC 3-13-1-11.5, AS AMENDED BY P.L.216-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 11.5. (a) Except as provided in this section, voting by proxy is not permitted in a caucus called under section 4, 5, or 6 of this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus called under section 4, 5, or 6 of this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

- (1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter.
- (2) The vice committeeman's precinct committeeman is not present at the caucus.
- (3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus called under section 4, 5, or 6 of this chapter and vote the precinct committeeman's proxy, regardless of when the ballot vacancy occurred, **only if both of the following apply:**

- (1) The vice committeeman was the vice committeeman five (5) days before the date of the caucus.
- (2) **The vice committeeman is entitled to vote for the office for which a candidate is to be selected.**

(d) If a vice committeeman is not eligible under subsection ~~(c)~~, **(c)(1)**, the vice committeeman is eligible to participate in a caucus called under section 4, 5, or 6 of this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred."

Page 27, between lines 28 and 29, begin a new paragraph and insert: "SECTION 52. IC 3-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To be eligible to participate in a caucus called under this chapter, an elected precinct committeeman must be entitled to vote for the legislative office for which a successor is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the legislative office occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter **only if both of the following apply:**

- (1) The precinct committeeman was a committeeman thirty (30) days before the vacancy occurred.
- (2) **The precinct committeeman is entitled to vote for the legislative office for which a successor is to be selected.**

(c) An individual eligible to participate in a caucus held under this chapter has one (1) vote.



SECTION 53. IC 3-13-5-5, AS AMENDED BY P.L.278-2019, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in this section, voting by proxy is not allowed in a caucus held under this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

- (1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a legislative office who also served as a precinct committeeman.
- (2) The vice committeeman's precinct committeeman is not present at the caucus.
- (3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy **only if both of the following apply:**

- (1) The vice committeeman was the vice committeeman five (5) days before the date of the caucus.
- (2) The vice committeeman is entitled to vote for the legislative office for which a successor is to be selected.**

(d) If a vice committeeman is not eligible under subsection ~~(c)~~; **(c)(1)**, the vice committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the vacancy occurred.

(e) Voting shall be conducted by secret ballot, and IC 5-14-1.5-3(b) does not apply to this chapter.

SECTION 54. IC 3-13-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible to be a member of a caucus under this chapter, a precinct committeeman must satisfy the following:

- (1) Be a member of the same political party that elected or selected the person who vacated the office to be filled.
- (2) Be the precinct committeeman of a precinct **located in which voters were eligible to vote for the person who vacated the office to be filled at the last election conducted or permitted for the office: the election district of the office to be filled.**
- (3) Satisfy the other requirements of this section.

An elected precinct committeeman is eligible to participate in a caucus



called under this chapter, regardless of when the vacancy in the office occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter **only if both of the following apply:**

(1) The precinct committeeman was a precinct committeeman thirty (30) days before the vacancy occurred.

(2) The precinct committeeman is entitled to vote for the office for which a successor is to be selected.

(c) If fewer than two (2) persons are eligible to be members of a caucus under this section, the county chairman entitled to give notice of a caucus under section 3 of this chapter shall fill the vacancy, ~~no~~ **not** later than thirty (30) days after the vacancy occurs. A chairman acting under this subsection is not required to conduct a caucus.

SECTION 55. IC 3-13-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in this section, voting by proxy is not permitted in a caucus held under this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a local office who also served as a precinct committeeman.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy, regardless of when the vacancy occurred, **only if both of the following apply:**

(1) The vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(2) The vice committeeman is entitled to vote for the office for which a successor is to be selected.

(d) If a vice committeeman is not eligible under subsection ~~(c)~~; **(c)(1)**, the vice committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the vacancy occurred."



Page 27, between lines 31 and 32, begin a new paragraph and insert:
 "SECTION 57. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) This section applies to:

- (1) a county contiguous to the Ohio River;
- (2) a county containing a historic hotel district; and
- (3) a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000).

(b) Notwithstanding any other provision of this article, the commission may not:

- (1) issue a license under this article to allow a riverboat to operate in the county; or
- (2) enter into a contract with an operating agent under IC 4-33-6.5;

unless the voters of the county have approved the conducting of gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county ~~during at the next primary or general election~~ **permitted under IC 3-10-9-3(a)**:

"Shall riverboat gambling be permitted in ____ County?"

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The ~~clerk of the~~ circuit court **clerk** of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in that county until the ~~general election held during the~~ tenth year following the year that the previous public question was placed on the ballot."

Page 29, between lines 24 and 25, begin a new paragraph and insert:



"SECTION 64. IC 6-1.1-20-3.6, AS AMENDED BY P.L.246-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8 of this chapter, this section applies only to a controlled project described in section 3.5(a) of this chapter.

(b) If a sufficient petition requesting the application of the local public question process has been filed as set forth in section 3.5 of this chapter, a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project unless the political subdivision's proposed debt service or lease rental is approved ~~in an election or by~~ a local public question ~~held~~ under this section.

(c) Except as provided in subsection (k), the following question shall be submitted to the eligible voters at the election conducted under this section:

"Shall _____ (insert the name of the political subdivision) issue bonds or enter into a lease to finance _____ (insert a brief description of the controlled project), which is estimated to cost not more than _____ (insert the total cost of the project) and is estimated to increase the property tax rate for debt service by _____ (insert increase in tax rate as determined by the department of local government finance)?"

The public question must appear on the ballot in the form approved by the county election board. If the political subdivision proposing to issue bonds or enter into a lease is located in more than one (1) county, the county election board of each county shall jointly approve the form of the public question that will appear on the ballot in each county. The form approved by the county election board may differ from the language certified to the county election board by the county auditor. If the county election board approves the language of a public question under this subsection, the county election board shall submit the language to the department of local government finance for review.

(d) The department of local government finance shall review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. The department of local government finance may either approve the ballot language as submitted or recommend that the ballot language be modified as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local government finance shall certify its approval or recommendations to the county auditor and the county election board not more than ten (10)



days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified by the county auditor under subsection (e) unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.

(e) The county auditor shall certify the finally approved public question under IC 3-10-9-3 to the county election board of each county in which the political subdivision is located. The certification must occur not later than noon

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

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

Subject to the certification requirements and deadlines under this subsection and except as provided in subsection (j), the public question shall be placed on the ballot at the next ~~primary election; general election; or municipal election~~ **permitted under IC 3-10-9-3(a)** in which all voters of the political subdivision are entitled to vote. However, if a ~~primary election; general election; or municipal election~~ will not be held during the first year in which the public question is eligible to be placed on the ballot under this section and if the political subdivision requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon ~~seventy-four (74) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1. (if the special election is to be held in November).~~ The fiscal body of the political subdivision that requests the special election shall pay the costs of holding the special election. The county election board shall give notice under ~~IC 5-3-1~~ of a special election conducted under this subsection. A special election conducted under this subsection is under the direction of the county election board. The county election board shall take all steps necessary to carry out the special election.

(f) The circuit court clerk shall certify the results of the public question to the following:

EH 1222—LS 7000/DI 75



(1) The county auditor of each county in which the political subdivision is located.

(2) The department of local government finance.

(g) Subject to the requirements of IC 6-1.1-18.5-8, the political subdivision may issue the proposed bonds or enter into the proposed lease rental if a majority of the eligible voters voting on the public question vote in favor of the public question.

(h) If a majority of the eligible voters voting on the public question vote in opposition to the public question, both of the following apply:

(1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.

(2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than:

(A) except as provided in clause (B), seven hundred (700) days after the date of the public question; or

(B) three hundred fifty (350) days after the date of the election, if a petition that meets the requirements of subsection (m) is submitted to the county auditor.

(i) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

(j) A political subdivision may not divide a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has divided a controlled project into two (2) or more capital projects in order to avoid the requirements of this section and section 3.5 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision gives notice of the political subdivision's decision under section 3.5 of this chapter or a determination under section 5 of this chapter to issue bonds or enter into leases for a capital project that the person believes is the result of a division of a controlled project that is prohibited by this subsection. If the department of local government finance receives a petition under this subsection, the department shall, not later than thirty (30) days after receiving the petition, make a final determination on the issue of whether the political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter. If the department of local government finance determines that a political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter and the



political subdivision continues to desire to proceed with the project, the political subdivision may appeal the determination of the department of local government finance to the Indiana board of tax review. A political subdivision shall be considered to have divided a capital project in order to avoid the requirements of this section and section 3.5 of this chapter if the result of one (1) or more of the subprojects cannot reasonably be considered an independently desirable end in itself without reference to another capital project. This subsection does not prohibit a political subdivision from undertaking a series of capital projects in which the result of each capital project can reasonably be considered an independently desirable end in itself without reference to another capital project.

(k) This subsection applies to a political subdivision for which a petition requesting a public question has been submitted under section 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of the political subdivision may adopt a resolution to withdraw a controlled project from consideration in a public question. If the legislative body provides a certified copy of the resolution to the county auditor and the county election board not later than sixty-three (63) days before the election at which the public question would be on the ballot, the public question on the controlled project shall not be placed on the ballot and the public question on the controlled project shall not be held, regardless of whether the county auditor has certified the public question to the county election board. If the withdrawal of a public question under this subsection requires the county election board to reprint ballots, the political subdivision withdrawing the public question shall pay the costs of reprinting the ballots. If a political subdivision withdraws a public question under this subsection that would have been held at a special election and the county election board has printed the ballots before the legislative body of the political subdivision provides a certified copy of the withdrawal resolution to the county auditor and the county election board, the political subdivision withdrawing the public question shall pay the costs incurred by the county in printing the ballots. If a public question on a controlled project is withdrawn under this subsection, a public question under this section on the same controlled project or a substantially similar controlled project may not be submitted to the voters earlier than three hundred fifty (350) days after the date the resolution withdrawing the public question is adopted.

(l) If a public question regarding a controlled project is placed on the ballot to be voted on at an election under this section, the political subdivision shall submit to the department of local government finance,



at least thirty (30) days before the election, the following information regarding the proposed controlled project for posting on the department's Internet web site:

- (1) The cost per square foot of any buildings being constructed as part of the controlled project.
- (2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.
- (3) The maximum term of the bonds or lease.
- (4) The maximum principal amount of the bonds or the maximum lease rental for the lease.
- (5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
- (6) The purpose of the bonds or lease.
- (7) In the case of a controlled project proposed by a school corporation:
 - (A) the current and proposed square footage of school building space per student;
 - (B) enrollment patterns within the school corporation; and
 - (C) the age and condition of the current school facilities.

(m) If a majority of the eligible voters voting on the public question vote in opposition to the public question, a petition may be submitted to the county auditor to request that the limit under subsection (h)(2)(B) apply to the holding of a subsequent public question by the political subdivision. If such a petition is submitted to the county auditor and is signed by the lesser of:

- (1) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or
- (2) five percent (5%) of the registered voters residing within the political subdivision;

the limit under subsection (h)(2)(B) applies to the holding of a second public question by the political subdivision and the limit under subsection (h)(2)(A) does not apply to the holding of a second public question by the political subdivision.

SECTION 65. IC 8-1.5-3-9.1, AS AMENDED BY P.L.163-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.1. (a) This section applies to the following:

- (1) Water utilities that are owned or operated by second class cities.
- (2) Third class cities.
- (3) Towns.

(b) In addition to section 9 of this chapter, a municipally owned



utility to which this section applies may be removed from the jurisdiction of the commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, if the municipal legislative body adopts an ordinance removing the utility from commission jurisdiction. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to all ratepayers of the utility and to the commission. For a second class city the municipal legislative body must hold two (2) public meetings before the final vote on an ordinance removing the utility from commission jurisdiction may be adopted. An explanation of the removal process must be provided at each public meeting under this section. Each public meeting must be held in a different location.

(c) The ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) The question of removal from commission jurisdiction shall be submitted to the registered voters of the municipality if, within the sixty (60) day period described in subsection (c), the legislative body receives a petition:

- (1) that is signed by at least the number of the registered voters of the municipality required under IC 3-8-6-3 to place a candidate on the ballot; and
- (2) that requests the legislative body to submit the question of removal from commission jurisdiction to the registered voters of the municipality at the next election **permitted under IC 3-10-9-3(a)**.

The municipal legislative body shall certify the public question in subsection (e) to the county election board of the county that contains the greatest percentage of population of the municipality under IC 3-10-9-3.

(e) If the legislative body receives a petition described in subsection (d) in the proper form, the legislative body shall submit the following public question to the registered voters of the municipality at the next election **permitted under IC 3-10-9-3(a)** in the form prescribed by IC 3-10-9-4:

"Shall the municipally owned utility be taken out of the jurisdiction of the Indiana utility regulatory commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness?"

The legislative body shall mail written notice of the ~~referendum~~ **public question** to the commission at least ten (10) days before the date of the election.



(f) If a majority of those voting on the question described in subsection (e) favor taking the municipally owned utility out of the jurisdiction of the commission, the utility is removed from the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidences of indebtedness.

(g) If the legislative body receives a petition in proper form under subsection (d), the ordinance does not take effect until after removal is approved by a majority of those voting. If a majority of those voting vote against removal, the utility remains under the jurisdiction of the commission and the ordinance does not take effect.

(h) In addition to the notice required by subsection (b), if the municipal legislative body adopts the ordinance, described in subsection (b), the municipal legislative body shall mail written notice of the withdrawal from commission jurisdiction to the commission within thirty (30) days after the ordinance becomes effective.

(i) Notwithstanding this section or section 9 of this chapter, the commission may require a municipally owned utility that generates electric power to provide information to the permanent forecasting group under IC 8-1-8.5-3.5.

(j) This section does not affect the obligations of a municipally owned utility under IC 8-1-2.3, IC 8-1-8.5, IC 8-1-22.5, or IC 8-1.5-3-14.

(k) Notwithstanding subsection (a) and the procedure set forth in section 9 of this chapter, if a city adopts an ordinance under this section before January 1, 2013, to remove the city's municipally owned electric utility from the jurisdiction of the commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, the removal of the city's municipally owned electric utility from the commission's jurisdiction for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness is effective for all purposes and is legalized and validated.

SECTION 66. IC 8-1.5-3-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.5. (a) This section applies to municipally owned utilities that are withdrawn from commission jurisdiction under section 9 of this chapter, including a municipally owned utility described in section 9(a) of this chapter.

(b) A municipal legislative body that wants to return a municipally owned utility to the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness may submit the following public question to



the registered voters of the municipality at the next election **permitted under IC 3-10-9-3(a)** in the form prescribed by IC 3-10-9-4:

"Shall the municipally owned utility be returned to the jurisdiction of the utility regulatory commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness?"

(c) A municipal legislative body shall certify the public question to the county election board of the county that contains the greatest percentage of population of the municipality under IC 3-10-9-3. The county election board shall submit the question under subsection (b) if it receives a petition that:

- (1) is signed by at least the number of the registered voters of the municipality required under IC 3-8-6-3 to place a candidate on the ballot; and
- (2) requests that the municipally owned utility be returned to the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness.

(d) If a majority of those voting favor returning the municipally owned utility to the jurisdiction of the commission, the utility is returned to the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. If a majority of those voting disapprove of returning the municipally owned utility to the jurisdiction of the commission, an election may not be conducted on the public question of returning to the jurisdiction of the commission for four (4) years from the date of the last election on that public question.

(e) The public question of returning to the jurisdiction of the commission may not be submitted to the registered voters of the municipality at an election conducted within four (4) years after the date the municipally owned utility was last withdrawn from commission jurisdiction.

(f) If a municipally owned utility is returned to the jurisdiction of the commission under this section, the municipal legislative body shall mail written notice to the commission.

SECTION 67. IC 8-1.5-3-9.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.6. (a) This section applies to municipally owned utilities that are withdrawn from commission jurisdiction under section 9.1 of this chapter.

(b) The municipal legislative body may adopt an ordinance returning the municipally owned utility to the jurisdiction of the commission for the approval of rates and charges and of the issuance



of stocks, bonds, notes, or other evidence of indebtedness if it receives a petition:

- (1) that is signed by at least the number of the registered voters of the municipality required under IC 3-8-6-3 to place a candidate on the ballot; and
- (2) that requests the legislative body to adopt an ordinance returning the municipally owned utility to the jurisdiction of the commission.

If the municipal legislative body fails to adopt an ordinance under this subsection within ninety (90) days after receipt of the petition, a petition requesting the adoption of an ordinance to return to commission jurisdiction may not be submitted for four (4) years from the date the last petition was submitted under this subsection.

(c) If the municipal legislative body fails to adopt the ordinance described in subsection (b) within ninety (90) days after receipt of the petition, the public question of the return to commission jurisdiction shall be submitted to the registered voters of the municipality if the legislative body receives a second petition:

- (1) that is signed by at least the number of the registered voters of the municipality required under IC 3-8-6-3 to place a candidate on the ballot;
- (2) that requests the legislative body to submit the question of the return to commission jurisdiction to the registered voters of the municipality at the next election **permitted under IC 3-10-9-3(a)**; and
- (3) that is submitted to the legislative body after the expiration of the ninety (90) day period described in this subsection.

The municipal legislative body shall certify the public question described in subsection (d) to the county election board of the county that contains the greatest percentage of population of the municipality under IC 3-10-9-3.

(d) If the legislative body receives a petition described in subsection (c) in the proper form, the legislative body shall submit the following public question to the registered voters of the municipality at the next election **permitted under IC 3-10-9-3(a)** in the form prescribed by IC 3-10-9-4:

"Shall the municipally owned utility be returned to the jurisdiction of the utility regulatory commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness?"

The legislative body shall mail written notice of the **referendum public question** to the commission at least ten (10) days before the date of the



election.

(e) If a majority of those voting on the question described in subsection (d) favor returning the municipally owned utility to the jurisdiction of the commission, the utility is returned to the jurisdiction of the commission for approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness. If a majority of those voting disapprove of returning the municipally owned utility to the jurisdiction of the commission, an election may not be conducted on the public question of returning to the jurisdiction of the commission for four (4) years from the date of the last election on that public question.

(f) The public question of returning to the jurisdiction of the commission may not be submitted to the registered voters of the municipality at an election conducted within four (4) years after the date the municipally owned utility was last withdrawn from commission jurisdiction. In addition, a petition requesting the adoption of an ordinance under subsection (b) may not be submitted within four (4) years after the date the municipally owned utility was last withdrawn from commission jurisdiction.

(g) If a municipally owned utility is returned to commission jurisdiction under this section, the municipal legislative body shall mail written notice to the commission.

SECTION 68. IC 20-23-4-21, AS AMENDED BY P.L.244-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. (a) If the chairperson of the county committee does not receive the certification or combined certifications under section 20(f) of this chapter not later than ninety (90) days after the receipt by the county committee of the plan referred to in section 20(a) of this chapter, the judge of the circuit court of the county from which the county committee submitting the plan was appointed shall:

- (1) certify the public question under IC 3-10-9-3; and
- (2) order the county election board to ~~conduct a special election in which place~~ **the public question on the ballot at the next election permitted under IC 3-10-9-3(a) at which** registered voters residing in the proposed community school corporation may vote to determine whether the corporation will be created.

~~(b) If:~~

- (1) a primary election at which county officials are nominated; or
- (2) a general election at which county officials are elected;

~~and for which the question can be certified in compliance with IC 3-10-9-3 is to be held not later than six (6) months after the receipt by the chairperson of the county committee of the plan referred to in~~



section 20(a) of this chapter, regardless of whether the ninety (90) day period referred to in subsection (a) has expired; the judge shall order the county election board to conduct the special election to be held in conjunction with the primary or general election:

(c) If a primary or general election will not be held in the six (6) month period referred to in subsection (b); the special election shall be held:

- (1) not earlier than sixty (60) days; and
- (2) not later than one hundred twenty (120) days;

after the expiration of the ninety (90) day period referred to in subsection (a):

(d) (b) The county election board shall give notice under IC 5-3-1 of the special election a **public question** referred to in subsection (a).

(e) (c) The notice referred to in subsection (d) (b) of a **special election public question** must:

- (1) clearly state that the election is called to afford the registered voters an opportunity to approve or reject a proposal for the formation of a community school corporation;
- (2) contain:
 - (A) a general description of the boundaries of the community school corporation as set out in the plan;
 - (B) a statement of the terms of adjustment of:
 - (i) property;
 - (ii) assets;
 - (iii) debts; and
 - (iv) liabilities;
 - of an existing school corporation that is to be divided in the creation of the community school corporation;
 - (C) the name of the community school corporation;
 - (D) the number of members comprising the board of school trustees; and
 - (E) the method of selecting the board of school trustees of the community school corporation; and
- (3) designate the date, time, and voting place or places at which the election will be held.

(f) ~~A special~~ (d) **An election referred to in at which a public question is submitted to the voters under** subsection (a) is under the direction of the county election board in the county. ~~The election board shall take all steps necessary to carry out the special election. If the special election is not conducted at a primary or general election, the cost of conducting the election is:~~

- (1) charged to each component school corporation embraced in



the community school corporation in the same proportion as the component school corporation's assessed valuation is to the total assessed valuation of the community school corporation; and
(2) paid:

(A) from the school corporation's operations fund not otherwise appropriated of; and

(B) without appropriation by;

each component school corporation.

If a component school corporation is to be divided and its territory assigned to two (2) or more community corporations, the component school corporation's cost of the special election is in proportion to the corporation's assessed valuation included in the community school corporation.

(g) (e) The county election board shall place the public question on the ballot in the form prescribed by IC 3-10-9-4. The public question must state "Shall the (here insert name) community school corporation be formed as provided in the Reorganization Plan of the County Committee for the Reorganization of School Corporations?". Except as otherwise provided in this chapter, the election is governed by IC 3.

(h) (f) If a majority of the votes cast at a special election referred to in subsection (a) on the public question are in favor of the formation of the corporation, a community school corporation is created and takes effect on the earlier of:

(1) the July 1; or

(2) the January 1;

that next follows the date of publication of the notice referred to in subsection (d): (b).

(i) (g) If a public official fails to perform a duty required of the official under this section within the time prescribed in this section, the omission does not invalidate the proceedings taken under this section.

(j) (h) An action:

(1) to contest the validity of the formation or creation of a community school corporation under this section;

(2) to declare that a community school corporation:

(A) has not been validly formed or created; or

(B) is not validly existing; or

(3) to enjoin the operation of a community school corporation; may not be instituted later than thirty (30) days after the date of the special election referred to in subsection (a).

SECTION 69. IC 20-23-4-23, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 23. (a) If a proposal for the formation of a



community school corporation is rejected by the voters at the ~~special~~ election provided for in this chapter, the county committee shall **do either of the following:**

(1) Subject to subsection (b), devise a new plan of reorganization considered more acceptable to the electors of the territory affected. ~~or~~

(2) Subject to subsection (c), direct the county election board or boards to resubmit the same plan rejected by the voters.

(b) The county committee shall submit a new plan devised under subsection (a)(1) to the state board for the state board's approval not later than six (6) months after the date of the ~~special~~ election at which the proposal was rejected, subject to the same conditions and requirements concerning extensions of time and other matters provided in this chapter. If the new plan is approved by the state board, the procedures of this chapter for the creation of a community school corporation must be followed.

(c) The county committee may direct the county election board or boards to resubmit the plan referred to in subsection (a)(2) ~~at a special election to be held not later than six (6) months after the special election at which the proposal was rejected. If a primary or general election for state offices is to be held not later than six (6) months after the special election at which the proposal was rejected, the special election must be held in conjunction with the primary or general election. The judge of the circuit court shall give notice by publication of the special election on request of the county committee. by placing a public question on the ballot at the next election permitted under IC 3-10-9-3(a) asking the voters whether the plan should be approved.~~ The special election is held in the same manner required for the holding of a special election under **procedures described in section 21 of this chapter** ~~Officials concerned shall take all actions necessary to conduct the special election as required under section 21 of this chapter.~~ **apply to submission of the public question to the voters under this section.**

SECTION 70. IC 20-23-6-5, AS AMENDED BY P.L.278-2019, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If a petition is filed in one (1) or more of the school corporations protesting consolidation as provided in this chapter by the ~~legal~~ voters of any school corporation the governing body of which proposes to consolidate, the governing body in each school corporation in which a protest petition is filed shall certify the public question to each county election board of the county in which the school corporation is located. The county election board



shall call an election of the place a public question on the ballot at the next election permitted under IC 3-10-9-3(a) asking the voters of the school corporation to determine if a majority of the legal voters of the corporation is in favor of consolidating the school corporations.

(b) If a protest is filed in more than one (1) school corporation, the elections shall be held on the same day. Each county election board shall give notice by publication once each week for two (2) consecutive weeks in a newspaper of general circulation in the school corporation. If a newspaper is not published in the:

- (1) township;
- (2) town; or
- (3) city;

the notice shall be published in the nearest newspaper published in the county or counties, stating that on a day and at an hour to be named in the notice, the polls will be open at the usual voting places in the various precincts in the corporation for taking the vote of the legal a public question will be on the ballot asking the voters upon whether the school corporation shall be consolidated with the other school corporations joining in the resolution.

(c) The public question shall be placed on the ballot in the form provided by IC 3-10-9-4 and must state: "Shall (insert name of school corporation) be consolidated with (insert names of other school corporations)?"

(d) Notice shall be given not later than thirty (30) days after the petition is filed. The election shall be held not less than ten (10) days or more than twenty (20) days after the last publication of the notice before the date of the election.

(e) The governing body of each school corporation in which an election is held is bound by the majority vote of those voting. However, if the election falls within a period of not more than six (6) months before a primary or general election, the election shall be held concurrently with the primary or general election if the public question is certified to the county election board not later than the deadline set forth in IC 3-10-9-3.

(f) If a majority of those voting in any one (1) school corporation votes against the plan of consolidation, the plan fails. However, the failure does not prevent any or all the school corporations from taking further initial action for the consolidation of school corporations under this chapter.

SECTION 71. IC 20-23-6-6, AS AMENDED BY P.L.244-2017, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) On the day and hour named in the notice



filed under section 5 of this chapter, polls shall be opened and the votes of the registered voters shall be taken upon the public question of consolidating school corporations. The election **at which the public question is placed on the ballot under section 5 of this chapter** shall be governed by IC 3, except as provided in this chapter.

(b) The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall (here insert the names of the school corporations that the resolution proposes to consolidate) be consolidated into a consolidated school corporation?".

(c) A brief statement of the provisions in the resolution for appointment or election of a governing body may be placed on the ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes cast for and against the consolidation of the school corporations shall be filed with:

- (1) the governing body of the school corporations subject to the election;
- (2) the state superintendent; and
- (3) the county recorder of each county in which a consolidated school corporation is located;

together with a copy of the resolution.

(d) If a majority of the votes cast at each of the elections is in favor of the consolidation of two (2) or more school corporations, the trustees of the school corporations shall proceed to consolidate the schools and provide the necessary buildings and equipment. In any school corporation where a petition was not filed and an election was not held, the failure on the part of the voters to file a petition for an election shall be considered to give the consent of the voters of the school corporation to the consolidation as set out in the resolution.

~~(e) If the special election is not conducted at a primary or general election, the expense of the election shall be borne by the school corporation or each of the school corporations subject to the election and shall be paid out of the school corporation's operations fund:~~

SECTION 72. IC 20-46-1-14, AS AMENDED BY P.L.278-2019, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. ~~(a)~~ The referendum shall be held ~~in at~~ the next ~~primary election, general election, or municipal election~~ **permitted under IC 3-10-9-3(a)** in which all the registered voters who are residents of the appellant school corporation are entitled to vote after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than noon

- ~~(1) seventy-four (74) days before a primary election if the~~



question is to be placed on the primary or municipal primary election ballot; or

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

(b) However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the appellant school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon:

(1) sixty (60) days before a special election to be held in May (if the special election is to be held in May); or

(2) on August 1 (if the special election is to be held in November).

(c) If the referendum is not conducted at a primary election, general election, or municipal election, the appellant school corporation in which the referendum is to be held shall pay all the costs of holding the referendum.

SECTION 73. IC 20-46-9-14, AS ADDED BY P.L.272-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the school corporation are entitled to vote **election permitted under IC 3-10-9-3(a)** after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than noon

(1) sixty (60) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or

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

(b) However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon:

(1) sixty (60) days before a special election to be held in May (if the special election is to be held in May); or



(2) August 1 (if the special election is to be held in November):

(c) If the referendum is not conducted at a primary election, general election, or municipal election, the school corporation in which the referendum is to be held shall pay all the costs of holding the referendum."

Page 31, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 78. IC 36-1-1.5-8, AS ADDED BY P.L.234-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. The following apply if the voters of an eligible municipality file a sufficient petition under section 7 of this chapter:

(1) The clerk of the eligible municipality shall certify the petition to the county election board.

(2) ~~A special election on~~ The public question shall be held in the eligible municipality in the manner prescribed by ~~IC 3-10-8-6~~. The special election shall be held on a date that:

(A) is determined by the legislative body of the eligible municipality; and

(B) is not more than one (1) year after the date on which the clerk of the eligible municipality certifies the petition to the county election board.

at the next election permitted under IC 3-10-9-3(a).

(3) The clerk of the eligible municipality shall give notice of the ~~special~~ election by publication in the manner prescribed by IC 5-3-1.

(4) ~~The eligible municipality shall pay the costs of holding the special election.~~

(5) (4) The county election board shall place the following question on the ballot in the eligible municipality:

"Shall the territory of _____ (insert the name of the eligible municipality) be transferred from _____ (insert the name of the transferor township) to an adjacent township?"

(6) (5) After the ~~special~~ election on the public question is held, the county election board:

(A) shall file with the clerk of the eligible municipality the results of the ~~special~~ election for each precinct of the eligible municipality in the manner prescribed by IC 3-12-4; and

(B) shall certify a copy of the results of the ~~special~~ election to:

- (i) the county auditor;
- (ii) the legislative body and executive of the eligible municipality; and
- (iii) the legislative body and executive of each township that



includes territory of the eligible municipality.

SECTION 79. IC 36-1-1.5-9, AS AMENDED BY P.L.129-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. The following apply if at least two-thirds (2/3) of the voters voting ~~in a special election on the public question~~ under this chapter vote "yes" on the public question: ~~under this chapter:~~

(1) The legislative body of the eligible municipality may, within one (1) year after the ~~special~~ election, submit a petition to one (1) or more adjacent townships requesting an adjacent township to accept the transfer of the territory of the eligible municipality that is within the transferor township.

(2) The legislative body of an adjacent township that receives a petition under subdivision (1) may adopt a resolution accepting the transfer of the territory of the eligible municipality that is within the transferor township and specifying the date on which the transfer is effective. However, the legislative body of the adjacent township may adopt a resolution accepting the transfer of the territory of the eligible municipality only within the two (2) year period following the date on which the legislative body receives the petition.

(3) If the legislative body of the eligible municipality submits a petition to one (1) or more adjacent townships under subdivision (1) within one (1) year after the ~~special~~ election, but a resolution accepting the transfer of the territory of the eligible municipality within the transferor township is not adopted by the legislative body of an adjacent township within the two (2) year period following the date on which the last legislative body of a township receives such a petition:

(A) the territory of the eligible municipality may not be transferred under this chapter; and

(B) a subsequent ~~special~~ election under this chapter may not be held in the eligible municipality.

(4) If the legislative body of the eligible municipality does not submit a petition to one (1) or more adjacent townships under subdivision (1) within one (1) year after the ~~special~~ election:

(A) the territory of the eligible municipality may not be transferred under this chapter; and

(B) a subsequent ~~special~~ election under this chapter may not be held in the eligible municipality.

SECTION 80. IC 36-1-1.5-10, AS ADDED BY P.L.234-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. If less than two-thirds (2/3) of the voters



voting ~~in a special election on the public question~~ under this chapter vote "yes" on the public question: ~~under this chapter:~~

- (1) the territory of the eligible municipality may not be transferred under this chapter; and
- (2) a subsequent ~~special~~ election under this chapter may not be held in the eligible municipality."

Page 31, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 82. IC 36-5-1-8, AS AMENDED BY P.L.216-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The county executive may approve a petition for incorporation only if it finds all of the following:

- (1) That the proposed town is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes.
- (2) That the proposed town is reasonably compact and contiguous.
- (3) That the proposed town includes enough territory to allow for reasonable growth in the foreseeable future.
- (4) That a substantial majority of the property owners in the proposed town have agreed that at least six (6) of the following municipal services should be provided on an adequate basis:
 - (A) Police protection.
 - (B) Fire protection.
 - (C) Street construction, maintenance, and lighting.
 - (D) Sanitary sewers.
 - (E) Storm sewers.
 - (F) Health protection.
 - (G) Parks and recreation.
 - (H) Schools and education.
 - (I) Planning, zoning, and subdivision control.
 - (J) One (1) or more utility services.
 - (K) Stream pollution control or water conservation.
- (5) That the proposed town could finance the proposed municipal services with a reasonable tax rate, using the current assessed valuation of properties as a basis for calculation.
- (6) That incorporation is in the best interest of the territory involved. This finding must include a consideration of:
 - (A) the expected growth and governmental needs of the area surrounding the proposed town;
 - (B) the extent to which another unit can more adequately and economically provide essential services and functions; and
 - (C) the extent to which the incorporators are willing to enter into agreements under IC 36-1-7 with the largest neighboring



municipality, if that municipality has proposed such agreements.

(b) If the county executive determines that the petition satisfies the requirements set forth in subsection (a), the county executive may do any of the following:

- (1) Adopt an ordinance under section 10.1 of this chapter incorporating the town.
- (2) Deny the petition.
- (3) Adopt a resolution to place a public question concerning the incorporation on the ballot at **an the next election permitted under IC 3-10-9-3(a)**. The county executive shall request a date for the election as follows:

(A) If the county executive requests the public question be on the same date as a general election or primary election:

- (i) the resolution must state that the election is to be on the same date as a general or primary election; and must be certified in accordance with IC 3-10-9-3; and
- (ii) the election must be held on the date of the next general election or primary election; whichever is earlier; at which the question can be placed on the ballot under IC 3-10-9-3.

(B) If a petition contains a request for a special election, the county executive may request that the public question concerning the incorporation will be on the ballot of a special election. An election may be considered a special election only if it is conducted on a date other than the date of a general election or primary election. The date of the special election must be:

- (i) at least seventy-four (74) and not more than one hundred four (104) days after the notice of the election is filed under IC 3-10-8-4; and
- (ii) not later than the next general election or primary election; whichever is earlier.

If the public question is on the ballot of a special election the petitioners shall pay the costs of holding the special election. If the county executive adopts a resolution under this subdivision, the county executive shall file the resolution and the petition with the circuit court clerk of each county that contains any part of the territory sought to be incorporated.

(c) After a resolution is filed with a circuit court clerk under subsection (b)(3), the circuit court clerk shall certify the resolution to the county election board. The county election board shall place the following public question on the ballot:

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"Shall (insert a description of the territorial boundaries) be incorporated as a town?"

Only the registered voters residing within the territory of the proposed town may vote on the public question.

(d) Not earlier than sixty (60) days and not later than thirty (30) days before the election, the petitioners shall publish a notice in accordance with IC 5-3-1 in each county where the proposed town is located. The notice must include the following:

- (1) A description of the boundaries of the proposed town and the quantity of land contained in the territory of the proposed town.
- (2) The information provided under section 3(3) through 3(6) of this chapter.
- (3) The name, telephone number, and electronic mail address (if available) of the contact person for the petitioners.
- (4) A statement that the petition is available for inspection and copying in the office of the circuit court clerk of each county where the proposed town is located.

The petitioners shall submit proof of publication of the notice to the circuit court clerk of each county in which the proposed town is located. A defect in the form of the notice does not invalidate the petition.

(e) If a majority of the voters residing within the territory of the proposed town:

- (1) vote "no" on the public question, the territory is not incorporated as a town, and a new petition for incorporation may not be filed within the period set forth in section 9 of this chapter; or
- (2) vote "yes" on the public question, the county executive of each county in which the proposed town is located shall adopt an ordinance under section 10.1 of this chapter.

(f) The circuit court clerk shall certify the results of a public question under this section to the following:

- (1) The county executive of each county in which the proposed incorporated territory is located.
- (2) The county auditor of each county in which the proposed incorporated territory is located.
- (3) The department of local government finance.
- (4) The department of state revenue.
- (5) The state board of accounts.
- (6) The office of the secretary of state.
- (7) The office of census data established by IC 2-5-1.1-12.2.
- (8) The election division.



SECTION 83. IC 36-5-1.1-10.6, AS AMENDED BY P.L. 113-2010, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.6. (a) This section applies to included towns.

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

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

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

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

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

- (1) at least sixty (60) days after certification under IC 3-12-4-9; and
- (2) when the certification is filed under subsection (d).

(f) A dissolution under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. A dissolution under this section that would otherwise take effect during the year preceding a year in which the federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(g) When a town is dissolved under this section:

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



after payment of debts and liabilities into the county general fund.

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

~~(i) Notwithstanding subsection (f) as that subsection existed on December 31, 2009; a dissolution that took effect January 2, 2010; because of the application of subsection (f); as that subsection existed on December 31, 2009; is instead considered to take effect January 1, 2010; without any additional action being required."~~

Page 35, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 87. IC 36-5-2-4.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.2. (a) This section applies to the alteration of the number of members of a legislative body.

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

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

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

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

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

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

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

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



following its adoption.

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

Page 36, after line 16, begin a new paragraph and insert:

"SECTION 72. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1222 as printed January 24, 2020.)

WALKER, Chairperson

Committee Vote: Yeas 6, Nays 2.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1222 be amended to read as follows:

Page 23, line 12, delete "." and insert "**if the petition was unanimously approved by the entire membership of the county election board or the board of elections and registration.**"

(Reference is to EHB 1222 as printed February 19, 2020.)

NIEMEYER

SENATE MOTION

Madam President: I move that Engrossed House Bill 1222 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40.4. "Presidential election year" refers to a year in which an election for electors for President of the United**

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States is held."

Page 12, delete lines 16 through 42.

Delete pages 13 through 15.

Page 16, delete lines 1 through 19.

Page 21, between lines 23 and 24, begin a new paragraph and insert:
 "SECTION 30. IC 3-10-8-1, AS AMENDED BY P.L.219-2013, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A special election shall be held in the following cases:

- (1) Whenever two (2) or more candidates for a federal, state, legislative, circuit, or school board office receive the highest and an equal number of votes for the office, except as provided in Article 5, Section 5 of the Constitution of the State of Indiana or in IC 20.
- (2) Whenever a vacancy occurs in the office of United States Senator, as provided in IC 3-13-3-1.
- (3) Whenever a vacancy occurs in the office of United States Representative unless the vacancy occurs less than seventy-four (74) days before a general election.
- (4) Whenever a vacancy occurs in any local office the filling of which is not otherwise provided by law.
- (5) Whenever required by law for a public question.
Notwithstanding any other law, a special election for a local public question may not be held in a year after a presidential election year.
- (6) Whenever ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18.
- (7) Whenever required under IC 3-13-5 to fill a VACANCY in a legislative office unless the vacancy occurs less than seventy-four (74) days before a general election.

SECTION 31. IC 3-10-8-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.2. (a) As used in this section, "applicable statute" refers to either of the following:**

- (1) **IC 20-46-1 (referendum tax levy).**
- (2) **IC 20-46-9 (school safety referendum tax levy).**

(b) As used in this section, "levy" refers to a tax levy imposed, reimposed, or extended by a school corporation under an applicable statute.

(c) Notwithstanding section 1(5) of this chapter, a school corporation may reimpose or extend a levy in 2021, 2025, or 2027 under an applicable statute if the school corporation would have



been permitted to reimpose or extend the levy under this title and the applicable statute, both as in effect before January 1, 2020.

(d) If a school corporation reimposes or extends a levy as provided in subsection (c), the school corporation may not further reimpose or extend that levy for a period of time permitted under the applicable statute that expires during a year after a presidential election year.

(e) This section expires January 1, 2028."

Page 22, delete lines 9 through 24.

Page 47, delete lines 28 through 42.

Page 48, delete lines 1 through 25.

Page 50, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 73. IC 6-1.1-20-3.6, AS AMENDED BY P.L.246-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8 of this chapter, this section applies only to a controlled project described in section 3.5(a) of this chapter.

(b) If a sufficient petition requesting the application of the local public question process has been filed as set forth in section 3.5 of this chapter, a political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project unless the political subdivision's proposed debt service or lease rental is approved ~~in an election on~~ by a local public question ~~held~~ under this section.

(c) Except as provided in subsection (k), the following question shall be submitted to the eligible voters at the election conducted under this section:

"Shall _____ (insert the name of the political subdivision) issue bonds or enter into a lease to finance _____ (insert a brief description of the controlled project), which is estimated to cost not more than _____ (insert the total cost of the project) and is estimated to increase the property tax rate for debt service by _____ (insert increase in tax rate as determined by the department of local government finance)?"

The public question must appear on the ballot in the form approved by the county election board. If the political subdivision proposing to issue bonds or enter into a lease is located in more than one (1) county, the county election board of each county shall jointly approve the form of the public question that will appear on the ballot in each county. The form approved by the county election board may differ from the language certified to the county election board by the county auditor.



If the county election board approves the language of a public question under this subsection, the county election board shall submit the language to the department of local government finance for review.

(d) The department of local government finance shall review the language of the public question to evaluate whether the description of the controlled project is accurate and is not biased against either a vote in favor of the controlled project or a vote against the controlled project. The department of local government finance may either approve the ballot language as submitted or recommend that the ballot language be modified as necessary to ensure that the description of the controlled project is accurate and is not biased. The department of local government finance shall certify its approval or recommendations to the county auditor and the county election board not more than ten (10) days after the language of the public question is submitted to the department for review. If the department of local government finance recommends a modification to the ballot language, the county election board shall, after reviewing the recommendations of the department of local government finance, submit modified ballot language to the department for the department's approval or recommendation of any additional modifications. The public question may not be certified by the county auditor under subsection (e) unless the department of local government finance has first certified the department's final approval of the ballot language for the public question.

(e) The county auditor shall certify the finally approved public question under IC 3-10-9-3 to the county election board of each county in which the political subdivision is located. The certification must occur not later than noon:

- (1) seventy-four (74) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; or
- (2) August 1 if the public question is to be placed on the general or municipal election ballot.

Subject to the certification requirements and deadlines under this subsection and except as provided in subsection (j), the public question shall be placed on the ballot at the next primary election, general election, or municipal election in which all voters of the political subdivision are entitled to vote. ~~However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this section and if the political subdivision requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first~~



Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon seventy-four (74) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1 (if the special election is to be held in November). The fiscal body of the political subdivision that requests the special election shall pay the costs of holding the special election. The county election board shall give notice under IC 5-3-1 of a special election conducted under this subsection. A special election conducted under this subsection is under the direction of the county election board. The county election board shall take all steps necessary to carry out the special election.

(f) The circuit court clerk shall certify the results of the public question to the following:

- (1) The county auditor of each county in which the political subdivision is located.
- (2) The department of local government finance.

(g) Subject to the requirements of IC 6-1.1-18.5-8, the political subdivision may issue the proposed bonds or enter into the proposed lease rental if a majority of the eligible voters voting on the public question vote in favor of the public question.

(h) If a majority of the eligible voters voting on the public question vote in opposition to the public question, both of the following apply:

- (1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.
- (2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than:
 - (A) except as provided in clause (B), seven hundred (700) days after the date of the public question; or
 - (B) three hundred fifty (350) days after the date of the election, if a petition that meets the requirements of subsection (m) is submitted to the county auditor.

(i) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

(j) A political subdivision may not divide a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has divided a controlled project into two (2) or more capital projects in order to avoid the requirements of this section and section 3.5 of this chapter. The petition must be filed



not more than ten (10) days after the political subdivision gives notice of the political subdivision's decision under section 3.5 of this chapter or a determination under section 5 of this chapter to issue bonds or enter into leases for a capital project that the person believes is the result of a division of a controlled project that is prohibited by this subsection. If the department of local government finance receives a petition under this subsection, the department shall, not later than thirty (30) days after receiving the petition, make a final determination on the issue of whether the political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter. If the department of local government finance determines that a political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.5 of this chapter and the political subdivision continues to desire to proceed with the project, the political subdivision may appeal the determination of the department of local government finance to the Indiana board of tax review. A political subdivision shall be considered to have divided a capital project in order to avoid the requirements of this section and section 3.5 of this chapter if the result of one (1) or more of the subprojects cannot reasonably be considered an independently desirable end in itself without reference to another capital project. This subsection does not prohibit a political subdivision from undertaking a series of capital projects in which the result of each capital project can reasonably be considered an independently desirable end in itself without reference to another capital project.

(k) This subsection applies to a political subdivision for which a petition requesting a public question has been submitted under section 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of the political subdivision may adopt a resolution to withdraw a controlled project from consideration in a public question. If the legislative body provides a certified copy of the resolution to the county auditor and the county election board not later than sixty-three (63) days before the election at which the public question would be on the ballot, the public question on the controlled project shall not be placed on the ballot and the public question on the controlled project shall not be held, regardless of whether the county auditor has certified the public question to the county election board. If the withdrawal of a public question under this subsection requires the county election board to reprint ballots, the political subdivision withdrawing the public question shall pay the costs of reprinting the ballots. If a political subdivision withdraws a public question under this subsection that would have been held at a special election and the county election



board has printed the ballots before the legislative body of the political subdivision provides a certified copy of the withdrawal resolution to the county auditor and the county election board, the political subdivision withdrawing the public question shall pay the costs incurred by the county in printing the ballots. If a public question on a controlled project is withdrawn under this subsection, a public question under this section on the same controlled project or a substantially similar controlled project may not be submitted to the voters earlier than three hundred fifty (350) days after the date the resolution withdrawing the public question is adopted.

(l) If a public question regarding a controlled project is placed on the ballot to be voted on at an election under this section, the political subdivision shall submit to the department of local government finance, at least thirty (30) days before the election, the following information regarding the proposed controlled project for posting on the department's Internet web site:

- (1) The cost per square foot of any buildings being constructed as part of the controlled project.
- (2) The effect that approval of the controlled project would have on the political subdivision's property tax rate.
- (3) The maximum term of the bonds or lease.
- (4) The maximum principal amount of the bonds or the maximum lease rental for the lease.
- (5) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
- (6) The purpose of the bonds or lease.
- (7) In the case of a controlled project proposed by a school corporation:
 - (A) the current and proposed square footage of school building space per student;
 - (B) enrollment patterns within the school corporation; and
 - (C) the age and condition of the current school facilities.

(m) If a majority of the eligible voters voting on the public question vote in opposition to the public question, a petition may be submitted to the county auditor to request that the limit under subsection (h)(2)(B) apply to the holding of a subsequent public question by the political subdivision. If such a petition is submitted to the county auditor and is signed by the lesser of:

- (1) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or
- (2) five percent (5%) of the registered voters residing within the



political subdivision;
 the limit under subsection (h)(2)(B) applies to the holding of a second public question by the political subdivision and the limit under subsection (h)(2)(A) does not apply to the holding of a second public question by the political subdivision."

Delete pages 51 through 58.

Page 59, delete lines 1 through 40.

Page 59, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 74. IC 20-23-4-21, AS AMENDED BY P.L.244-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. (a) If the chairperson of the county committee does not receive the certification or combined certifications under section 20(f) of this chapter not later than ninety (90) days after the receipt by the county committee of the plan referred to in section 20(a) of this chapter, the judge of the circuit court of the county from which the county committee submitting the plan was appointed shall:

- (1) certify the public question under IC 3-10-9-3; and
- (2) order the county election board to ~~conduct a special election in which place the public question on the ballot at the next primary, general, or municipal election at which~~ registered voters residing in the proposed community school corporation may vote to determine whether the corporation will be created.

(b) If:

- (1) a primary election at which county officials are nominated; or
- (2) a general election at which county officials are elected;

and for which the question can be certified in compliance with IC 3-10-9-3 is to be held not later than six (6) months after the receipt by the chairperson of the county committee of the plan referred to in section 20(a) of this chapter, regardless of whether the ninety (90) day period referred to in subsection (a) has expired, the judge shall order the county election board to conduct the special election to be held in conjunction with the primary or general election:

(c) If a primary or general election will not be held in the six (6) month period referred to in subsection (b), the special election shall be held:

- (1) not earlier than sixty (60) days; and
- (2) not later than one hundred twenty (120) days;

after the expiration of the ninety (90) day period referred to in subsection (a):

(d) (b) The county election board shall give notice under IC 5-3-1 of the special election a **public question** referred to in subsection (a).

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~~(e)~~ **(c)** The notice referred to in subsection ~~(d)~~ **(b)** of a **special election public question** must:

- (1) clearly state that the election is called to afford the registered voters an opportunity to approve or reject a proposal for the formation of a community school corporation;
- (2) contain:
 - (A) a general description of the boundaries of the community school corporation as set out in the plan;
 - (B) a statement of the terms of adjustment of:
 - (i) property;
 - (ii) assets;
 - (iii) debts; and
 - (iv) liabilities;
 of an existing school corporation that is to be divided in the creation of the community school corporation;
 - (C) the name of the community school corporation;
 - (D) the number of members comprising the board of school trustees; and
 - (E) the method of selecting the board of school trustees of the community school corporation; and
- (3) designate the date, time, and voting place or places at which the election will be held.

~~(f)~~ **A special (d) An election referred to in at which a public question is submitted to the voters under** subsection (a) is under the direction of the county election board in the county. ~~The election board shall take all steps necessary to carry out the special election. If the special election is not conducted at a primary or general election, the cost of conducting the election is:~~

- ~~(1) charged to each component school corporation embraced in the community school corporation in the same proportion as the component school corporation's assessed valuation is to the total assessed valuation of the community school corporation; and~~
- ~~(2) paid:~~
 - ~~(A) from the school corporation's operations fund not otherwise appropriated of; and~~
 - ~~(B) without appropriation by;~~~~each component school corporation.~~

If a component school corporation is to be divided and its territory assigned to two (2) or more community corporations, the component school corporation's cost of the special election is in proportion to the corporation's assessed valuation included in the community school corporation.



~~(g)~~ (e) The county election board shall place the public question on the ballot in the form prescribed by IC 3-10-9-4. The public question must state "Shall the (here insert name) community school corporation be formed as provided in the Reorganization Plan of the County Committee for the Reorganization of School Corporations?". Except as otherwise provided in this chapter, the election is governed by IC 3.

~~(h)~~ (f) If a majority of the votes cast at a ~~special election referred to in subsection (a)~~ on the public question are in favor of the formation of the corporation, a community school corporation is created and takes effect on the earlier of:

- (1) the July 1; or
- (2) the January 1;

that next follows the date of publication of the notice referred to in subsection ~~(d)~~ (b).

~~(i)~~ (g) If a public official fails to perform a duty required of the official under this section within the time prescribed in this section, the omission does not invalidate the proceedings taken under this section.

~~(j)~~ (h) An action:

- (1) to contest the validity of the formation or creation of a community school corporation under this section;
- (2) to declare that a community school corporation:
 - (A) has not been validly formed or created; or
 - (B) is not validly existing; or
- (3) to enjoin the operation of a community school corporation; may not be instituted later than thirty (30) days after the date of the ~~special~~ election referred to in subsection (a).

SECTION 75. IC 20-23-6-5, AS AMENDED BY P.L.278-2019, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If a petition is filed in one (1) or more of the school corporations protesting consolidation as provided in this chapter by the ~~legal~~ voters of any school corporation the governing body of which proposes to consolidate, the governing body in each school corporation in which a protest petition is filed shall certify the public question to each county election board of the county in which the school corporation is located. The county election board shall ~~call an election of the~~ **place a public question on the ballot at the next primary, general, or municipal election asking the voters of the school corporation to determine if a majority of the legal voters of the corporation is in favor of consolidating the school corporations.**

(b) If a protest is filed in more than one (1) school corporation, the elections shall be held on the same day. Each county election board shall give notice by publication once each week for two (2) consecutive



weeks in a newspaper of general circulation in the school corporation.
If a newspaper is not published in the:

- (1) township;
- (2) town; or
- (3) city;

the notice shall be published in the nearest newspaper published in the county or counties, **stating that on a day and at an hour to be named in the notice, the polls will be open at the usual voting places in the various precincts in the corporation for taking the vote of the legal a public question will be on the ballot asking the voters upon whether the school corporation shall be consolidated with the other school corporations joining in the resolution.**

~~(c)~~ **(c)** The public question shall be placed on the ballot in the form provided by IC 3-10-9-4 and must state: "Shall (insert name of school corporation) be consolidated with (insert names of other school corporations)?"

~~(d)~~ **(c)** Notice shall be given not later than thirty (30) days after the petition is filed. The election shall be held not less than ten (10) days or more than twenty (20) days after the last publication of the notice: **before the date of the election.**

~~(e)~~ **(d)** The governing body of each school corporation in which an election is held is bound by the majority vote of those voting. **However, if the election falls within a period of not more than six (6) months before a primary or general election, the election shall be held concurrently with the primary or general election if the public question is certified to the county election board not later than the deadline set forth in IC 3-10-9-3.**

~~(f)~~ **(e)** If a majority of those voting in any one (1) school corporation votes against the plan of consolidation, the plan fails. However, the failure does not prevent any or all the school corporations from taking further initial action for the consolidation of school corporations under this chapter."

Delete pages 60 through 63.

Page 64, delete lines 1 through 15.

Page 65, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 77. IC 20-46-1-14, AS AMENDED BY P.L.278-2019, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. ~~(a)~~ The referendum shall be held **in at** the next primary election, general election, or municipal election in which all the registered voters who are residents of the appellant school corporation are entitled to vote after certification of



the question under IC 3-10-9-3. The certification of the question must occur not later than noon:

- (1) seventy-four (74) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or
- (2) August 1 if the question is to be placed on the general or municipal election ballot.

(b) However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the appellant school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon:

- (1) sixty (60) days before a special election to be held in May (if the special election is to be held in May); or
- (2) on August 1 (if the special election is to be held in November).

(c) If the referendum is not conducted at a primary election, general election, or municipal election, the appellant school corporation in which the referendum is to be held shall pay all the costs of holding the referendum.

SECTION 78. IC 20-46-9-14, AS ADDED BY P.L.272-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the school corporation are entitled to vote after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than noon:

- (1) sixty (60) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or
- (2) August 1 if the question is to be placed on the general or municipal election ballot.

(b) However, if a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon:

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(1) sixty (60) days before a special election to be held in May (if the special election is to be held in May); or

(2) August 1 (if the special election is to be held in November).

(c) If the referendum is not conducted at a primary election, general election, or municipal election, the school corporation in which the referendum is to be held shall pay all the costs of holding the referendum."

Page 66, delete lines 1 through 23.

Page 68, line 32, after "next" insert "**primary, general, or municipal**".

Page 68, line 32, after "election" insert ".".

Page 68, line 32, delete "permitted under IC 3-10-9-3(a)".

Page 71, line 32, after "next" insert "**primary, general, or municipal**".

Page 71, line 32, after "election" insert ".".

Page 71, line 32, delete "permitted".

Page 71, line 33, delete "under IC 3-10-9-3(a)".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1222 as printed February 19, 2020.)

WALKER

SENATE MOTION

Madam President: I move that Engrossed House Bill 1222 be amended to read as follows:

Page 3, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 4. IC 3-6-5-14, AS AMENDED BY P.L.258-2013, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) Each county election board, in addition to duties otherwise prescribed by law, shall do the following:

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

(2) Prepare all ballots.

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

(b) Not later than the Monday before distributing ballots and voting systems to the precincts in the county, the county election board shall



notify the county chairman of each major political party and, upon request, the chairman of any other bona fide political party in the county, that sample ballots are available for inspection."

Page 4, delete lines 1 through 5.

Page 5, line 25, after "IC 3-8-2" delete ".".

Page 5, line 25, reset in roman "or IC 3-8-5."

Page 5, line 25, after "IC 3-8-5" delete "." and insert "**(before its expiration)**".

Page 5, line 30, reset in roman "IC 3-8-5,".

Page 5, line 30, after "IC 3-8-5" delete "," and insert "**(before its expiration)**".

Page 8, delete lines 13 through 15, begin a new paragraph and insert:

"SECTION 11. IC 3-8-5-18 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2020]: **Sec. 18. This chapter expires January 1, 2021.**"

Page 8, delete lines 31 through 39, begin a new paragraph and insert:

"SECTION 13. IC 3-8-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (b), an error in certification discovered before SIXTY (60) days before a general election shall be corrected by the public officials charged with the duties of certification.

(b) An error in certification of candidates for a town office under IC 3-8-5 **(before its expiration)** discovered before September 18 before a town election shall be corrected by the public officials charged with the duties of certification."

Page 10, line 42, reset in roman "3-8-5-13 or".

Page 10, line 42, after "IC 3-8-5-13" insert "**(before its expiration)**".

Page 11, delete lines 2 through 28, begin a new paragraph and insert:

"SECTION 17. IC 3-8-7-28, AS AMENDED BY P.L.216-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 28. (a) Except as provided in subsections (b) and (c), if a nominee certified under this chapter, IC 3-8-5 **(before its expiration)**, IC 3-8-6, or IC 3-10-1 desires to withdraw as the nominee, the nominee must file a notice of withdrawal in writing with the public official with whom the certificate of nomination was filed by noon:

- (1) July 15 before a general or municipal election;
- (2) August 1 before a municipal election in a town subject to IC 3-8-5-10 **(before its expiration)**;



(3) on the date specified for town convention nominees under IC 3-8-5-14.5 **(before its expiration)**;

(4) on the date specified for declared write-in candidates under IC 3-8-2-2.7;

(5) on the date specified for a school board candidate under IC 3-8-2.5-4; or

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

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

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

Page 11, line 34, after "IC 3-8-2" delete ";

Page 11, line 34, reset in roman "or IC 3-8-5;"

Page 11, line 34, after "IC 3-8-5" delete ";" and insert "**(before its expiration)**;"

Page 16, line 25, after "is" insert ":"

Page 16, line 26, reset in roman "(1)"

Page 16, line 26, after "IC 3-8-2-5" delete "." and insert ";

Page 16, line 26, reset in roman "and"

Page 16, line 27, reset in roman "(2) not a municipal office subject to IC 3-8-5-17"

Page 16, line 27, after "IC 3-8-5-17" insert "**(before its expiration)**;"

Page 35, line 13, after "at" insert ":"

Page 35, line 14, reset in roman "(A)"

Page 35, line 14, after "IC 3-8-4" insert ";

Page 35, line 14, reset in roman "or"

Page 35, line 15, reset in roman "(B) a town convention conducted under IC 3-8-5;"

Page 35, line 15, delete ";" and insert "**(before its expiration)**;"

Page 43, delete lines 23 through 33, begin a new paragraph and insert:

"SECTION 62. IC 3-13-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) If a candidate vacancy occurs in a town subject to IC 3-8-5 **(before its expiration)** for any office on the ticket of a political party whose candidates were



selected by petition of nomination, the vacancy may be filled only as prescribed by this section.

(b) To fill the vacancy, the town chairman of the party must file a certificate of candidate selection together with the consent required by section 14 of this chapter with the official with whom certificates must be filed. The certificate of candidate selection must be filed not later than the date and hour that a certificate of nomination by a town convention must be filed under IC 3-8-5-13 **(before its expiration)**."

Page 44, reset in roman lines 31 through 32.

Page 44, line 32, after "IC 3-8-5-14.7" delete "." and insert "**(before their expiration)**."

Page 44, line 33, reset in roman "(c)".

Page 44, line 33, delete "(b)".

Page 44, line 40, reset in roman "(d)".

Page 44, line 40, delete "(c)".

Page 45, line 5, reset in roman "(e)".

Page 45, line 5, delete "(d)".

Page 47, delete lines 25 through 27, begin a new paragraph and insert:

"SECTION 69. IC 3-14-2-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 30. **(a)** A person who knowingly votes at a town convention in violation of IC 3-8-5-11(c) commits a Class A misdemeanor.

(b) This section expires January 1, 2021."

Page 68, delete lines 16 through 17, begin a new paragraph and insert:

"SECTION 90. IC 35-52-3-43, AS ADDED BY P.L.169-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 43. **(a)** IC 3-14-2-30 defines a crime concerning voting.

(b) This section expires January 1, 2021."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1222 as printed February 19, 2020.)

FORD J.D

SENATE MOTION

Madam President: I move that Engrossed House Bill 1222, which is eligible for third reading, be returned to second reading for purposes

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of amendment.

WALKER

SENATE MOTION

Madam President: I move that Engrossed House Bill 1222 be amended to read as follows:

Page 20, delete lines 20 through 42.

Page 21, delete lines 1 through 38.

Page 25, delete lines 5 through 42.

Delete pages 26 through 30.

Page 31, delete lines 1 through 37.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1222 as reprinted February 28, 2020.)

WALKER

