

# HOUSE BILL No. 1253

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-1-23.

**Synopsis:** Local voter initiative. Authorizes a county, city, or town to adopt an ordinance to permit the adoption of other ordinances or resolutions for the county, city, or town by a process initiated by voters of the county, city, or town.

**Effective:** July 1, 2015.

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January 13, 2015, read first time and referred to Committee on Local Government.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1253



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

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

1 SECTION 1. IC 36-1-23 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]:  
4 **Chapter 23. Voter Initiative**  
5 **Sec. 1. This chapter applies only to a unit other than a township.**  
6 **Sec. 2. As used in this chapter, "initiative ordinance" refers to**  
7 **the ordinance adopted under section 5 of this chapter to permit**  
8 **voter initiatives.**  
9 **Sec. 3. As used in this chapter, "measure" refers to an ordinance**  
10 **or a resolution concerning a subject that a unit has the authority**  
11 **to adopt under Indiana law.**  
12 **Sec. 4. As used in this chapter, "voter initiative" refers to the**  
13 **process described in this chapter for the adoption of a measure for**  
14 **a unit.**  
15 **Sec. 5. A unit may adopt an initiative ordinance to provide for**



1 the adoption of measures for the unit by voter initiative.

2 **Sec. 6. An initiative ordinance must include the following:**

3 (1) A description of the process that proponents of a measure  
4 must follow to begin the initiative process.

5 (2) The requirements for developing the following:

6 (A) The text of a proposed measure.

7 (B) The language for the ballot question for a proposed  
8 measure. The length of a ballot question is subject to the  
9 approval of the county election board.

10 (3) Requirements for circulation of petitions to qualify a  
11 proposed measure for submission of a ballot question to the  
12 voters of the unit as a public question.

13 (4) A requirement that a petition circulated to the voters of  
14 the unit must include the text of the ballot question for the  
15 proposed measure on each page on which signatures for a  
16 petition are to be affixed.

17 (5) A requirement that only a voter of the unit may sign a  
18 voter initiative petition.

19 (6) The number of signatures on a petition necessary to  
20 qualify a proposed measure for submission to the voters as a  
21 public question.

22 (7) The length of time permitted to circulate petitions to  
23 qualify a proposed measure for submission to the voters as a  
24 public question.

25 (8) Requirements for filing initiative petitions, verification of  
26 signatures on initiative petitions, and certification of  
27 placement of an initiative on the ballot.

28 **Sec. 7. (a) The county voter registration office of the county in**  
29 **which a unit is located shall assist the unit in verifying signatures**  
30 **on a voter initiative petition as provided in the initiative ordinance.**

31 (b) If the total number of valid signatures on an initiative  
32 petition equals at least the number of signatures required by the  
33 initiative ordinance to submit a measure to the voters of the unit,  
34 the legislative body of the unit shall certify to the circuit court clerk  
35 of the county in which the unit is located the language for the ballot  
36 question for the measure.

37 (c) If the legislative body of a unit certifies a ballot question to  
38 the circuit court clerk under subsection (a) before August 1 of a  
39 year in which a general election or a municipal election (if the unit  
40 is a city or town), the county election board of the county shall  
41 place a public question on the ballot at the next general election or  
42 municipal election held in the unit.



1           (d) The ballot question placed on the ballot for the public  
2 question must be the text of the ballot question that is contained on  
3 the petitions circulated for signatures to qualify the proposed  
4 measure for the ballot.

5           (e) IC 3, except where inconsistent with this chapter, applies to  
6 a public question placed on the ballot under this section. A public  
7 question under this section must be certified in accordance with  
8 IC 3-10-9-3 and shall be placed on the ballot in accordance with  
9 IC 3-10-9.

10          Sec. 8. If a majority of the voters who vote on the public  
11 question vote in favor of the proposed measure, the following  
12 apply:

13           (1) The proposed measure becomes an ordinance or a  
14 resolution of the unit, effective on:

15               (A) the date stated in the proposed measure; or

16               (B) if the proposed measure does not state an effective  
17 date, January 1 of the year following the date of the  
18 election at which the proposed measure is adopted by the  
19 voters.

20           (2) The measure has the same effect as if it had been adopted  
21 by the legislative body of the unit.

22           (3) The proposed measure may not be amended or repealed,  
23 except by either of the following:

24               (A) Another voter initiative conducted under this chapter.

25               (B) A two-thirds (2/3) vote of all the members of the  
26 legislative body of the unit. If the legislative body consists  
27 of only three (3) members, the vote of all members of the  
28 legislative body is required to amend or repeal a measure  
29 adopted under this chapter.

