

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 2017 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 165

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 36-6-6-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2018]: **Sec. 2.3. (a) This section does not apply to a township board in a county containing a consolidated city.**

(b) During the year preceding a general election for the members of the township board conducted under section 2 of this chapter, a township board may adopt a resolution under this section to provide for the staggering of the terms of its members.

(c) The resolution described in subsection (b) must provide all the following:

(1) That, notwithstanding section 2 of this chapter, the terms of the board members elected at the next general election must be as follows:

(A) The candidate who receives the greatest number of votes among all the candidates at the election shall serve a four (4) year term, beginning on January 1 after the next general election.

(B) The candidate who receives the second greatest number of votes among all the candidates at the election shall serve a two (2) year term, beginning on January 1 after the next general election.

(C) The candidate who receives the third greatest number



of votes among all the candidates at the election shall serve a two (2) year term, beginning on January 1 after the next general election.

(2) That the term of office of each board member elected after the first election after adoption of the resolution is four (4) years, beginning January 1 after each board member's general election.

(d) If a township board adopts a resolution under this section, election of the board members must occur at the elections as provided in the resolution.

(e) If a vacancy occurs in one (1) or more of the offices elected under subsection (c), because there are fewer candidates than the number of board members to be elected, the vacancy is filled:

(1) by a caucus as provided under IC 3-13-10-1, if the office was last held by a person elected or selected as a candidate of a major political party; or

(2) by the board of commissioners of the county under IC 3-13-10-4, if the office was last held by a person elected or selected as a candidate of other than a major political party.

If there is more than one (1) vacancy to be filled, the authority filling the vacancy determines the length of the term in accordance with subsection (c) for a person selected to fill a vacancy under this subsection.

(f) If a tie occurs among the candidates for an office elected under subsection (c), the tie is resolved under IC 3-12-9-4. The authority resolving the tie determines the length of the term in accordance with subsection (c) for a person selected to fill an office under this subsection.

(g) A township board may repeal a resolution adopted under subsection (b) subject to the following:

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

(2) The resolution may be repealed only in a year in which an election for members of the township board is not held.

(3) The resolution must provide for the election of all members of the township board at the next general election. Notwithstanding subsection (c)(2) and section 2 of this chapter, the term of all the members of the township board ends January 1 after the next general election.

(4) The term of office of the members elected at the next general election is four (4) years, beginning January 1 after that general election.



(h) A resolution described in subsection (b) or a resolution repealing a resolution previously adopted under subsection (b):

- (1) must be filed with the circuit court clerk before January 1 of a year in which an election of board members is scheduled to be held; and**
- (2) takes effect when the ordinance is filed with the circuit court clerk.**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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