



February 26, 2014

ENGROSSED

HOUSE BILL No. 1318

DIGEST OF HB 1318 (Updated February 24, 2014 12:32 pm - DI 102)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-12; IC 13-11; IC 20-24; IC 20-46; IC 33-42; IC 35-51; IC 36-1; IC 36-2; IC 36-4; IC 36-5; IC 36-9.

Synopsis: Various election law matters. Adds a definition of "de minimis change" for voting systems, and creates a process for the review and approval of these changes for voting systems used in Indiana. Adds a definition of "modification" for a certified voting system. Updates a cross reference concerning the format requirements for candidate designations on a primary ballot. Provides that a county election board may determine by the unanimous vote of its entire membership not to print the name of a deceased candidate for precinct committeeman or state convention delegate on a primary ballot. Specifies how a voter can cast a ballot using a "sip puff device" on a voting system that combines features of both an optical scan ballot and a direct record electronic voting system. Transfers dates regarding the late registration of military and overseas voters. Requires that an absentee ballot from a military or overseas voter be received by noon
(Continued next page)

Effective: Upon passage; January 1, 2014 (retroactive); January 8, 2014 (retroactive); July 1, 2014.

**Richardson, Bartlett, Hamm,
GiaQuinta**

(SENATE SPONSOR — MILLER PETE)

January 15, 2014, read first time and referred to Committee on Elections and Apportionment.

January 28, 2014, amended, reported — Do Pass.

January 30, 2014, read second time, ordered engrossed. Engrossed.

February 3, 2014, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 10, 2014, read first time and referred to Committee on Elections.

February 25, 2014, amended, reported favorably — Do Pass.

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10 days following the election in order to be counted. (Currently, the absentee ballot must be received not later than 3 p.m. 10 days following the election.) Permits the Indiana election division or a county election board to use electronic mail to forward a filing confirmation to a candidate who provides an electronic mail address in the candidate's declaration of candidacy. Specifies declaration of candidacy requirements for school board candidates and economic interest statement requirements for candidates to fill a vacancy in a school board office. Provides that a candidate for a local judicial office is not required to file a statement of economic interests. Makes changes regarding the content of the certificate of nomination prepared to document the nomination of candidates by certain conventions conducted by a political party entitled to nominate candidates by convention. Specifies requirements and procedures for a petitioner requesting a recount of a vote on a public question. Amends the schedule for conducting a special election on the public question of changing a town to a city or the incorporation of a proposed town. Adds the office of secretary of state and the office of census data to the list of state and county entities to be notified of the incorporation of a town. Delays, until elections held after January 1, 2016, the requirement that a candidate who currently holds the office of township assessor must attain the certification of a level three assessor-appraiser. Provides that a candidate for the office of county assessor must have attained the requisite certification level required by law before taking office. (Current law does not provide that the certification level must be attained before the candidate "takes office".) Provides that in a county having a population of more than 300,000 but less than 400,000, a public question shall be held in the county at the 2014 general election on whether the executive and legislative structure of county government should be changed. Provides that if the public question is approved, the voters of the county shall not elect a board of county commissioners, but shall instead elect a single county executive to serve as the county executive and shall elect a county council that has the legislative and fiscal powers and duties of the county. Provides that in a county with a single county executive, the county council must consist of nine members elected from single-member districts (instead of four members elected from single-member districts and three members elected at large). Provides that if the office of single county executive becomes vacant, the county council shall appoint an individual to serve as interim single county executive until the office is filled. Provides that in a county that has abolished the board of county commissioners and has elected a single county executive, the county council may adopt an ordinance to change the county government structure back to a structure that includes: (1) the election of a board of county commissioners (instead of a single county executive); and (2) a county council in which four members are elected from single-member districts and three members are elected at large (instead of a county council in which all nine members are elected from single-member districts). Provides that if such an ordinance is adopted, a public question shall be held to determine whether the county government structure shall be changed back to a structure that includes the election of a board of county commissioners. Provides that in a county that has a single county executive, the drainage board consists of: (1) the single county executive; and (2) two or four persons (as determined by the single county executive) who are appointed by the single county executive. Adds and corrects cross-references. Eliminates the term "paster" in an election statute. Repeals obsolete provisions concerning certificates of error, the delivery of voter registration applications by certified mail, and printing ballot labels for use on electronic voting systems. Resolves conflicts between HB 1318 and SB 24 (technical corrections).



February 26, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1318

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 3-5-2-16.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
3 **UPON PASSAGE]: Sec. 16.3. (a) "De minimis change" with respect**
4 **to a certified voting system's hardware, refers to a change to the**
5 **hardware, the nature of which will not materially alter the system's**
6 **reliability, functionality, capability, or operation.**
7 **(b) For a hardware change to qualify as a de minimis change,**
8 **the change must:**
9 **(1) maintain, unaltered, the reliability, functionality,**
10 **capability, and operability of a system; and**
11 **(2) ensure that when hardware is replaced, the original**
12 **hardware and the replacement hardware are electronically**
13 **and mechanically interchangeable and have identical**
14 **functionality and tolerances.**
15 **(c) The following are not de minimis changes:**
16 **(1) Software and firmware modifications.**

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1 **(2) The change has reasonable and identifiable potential to**
 2 **affect the system's operation and compliance with applicable**
 3 **voting system standards.**
 4 SECTION 2. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**
 6 (1) board of county commissioners, for a county ~~not having that:~~
 7 **(A) does not have** a consolidated city; **and**
 8 **(B) is not subject to IC 36-2-2.5;**
 9 **(2) single county executive elected under IC 3-10-2-13, for a**
 10 **county that:**
 11 **(A) does not have a consolidated city; and**
 12 **(B) is subject to IC 36-2-2.5;**
 13 ~~(3)~~ **(3)** mayor of the consolidated city, for a county having a
 14 consolidated city;
 15 ~~(4)~~ **(4)** mayor, for a city;
 16 ~~(5)~~ **(5)** president of the town council, for a town; or
 17 ~~(6)~~ **(6)** trustee, for a township.
 18 SECTION 3. IC 3-5-2-31.7 IS ADDED TO THE INDIANA CODE
 19 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE
 20 UPON PASSAGE]: **Sec. 31.7. "Modification", for a certified voting**
 21 **system, refers to a change:**
 22 **(1) in the software or firmware of the voting system; or**
 23 **(2) to the hardware of the voting system that:**
 24 **(A) materially alters the system's reliability, functionality,**
 25 **capacity, or operation; or**
 26 **(B) has a reasonable and identifiable potential to affect the**
 27 **voting system's operation and compliance with the**
 28 **applicable voting system standards.**
 29 SECTION 4. IC 3-6-6-39, AS AMENDED BY P.L.194-2013,
 30 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2014]: Sec. 39. (a) The county election board by unanimous
 32 vote of the entire membership of the board may permit an individual
 33 who is not a voter to serve as any precinct election officer (other than
 34 inspector), or to assist a precinct election officer, if the individual
 35 satisfies all the following:
 36 (1) The individual is at least sixteen (16) years of age but not
 37 eighteen (18) years of age or older.
 38 (2) The individual is a citizen of the United States.
 39 (3) The individual is a resident of the county.
 40 (4) The individual has a cumulative grade point average
 41 equivalent to not less than 3.0 on a 4.0 scale.
 42 (5) The individual has the written approval of the principal of the



1 school the individual attends at the time of the appointment or, if
 2 the student is educated in the home, the approval of the individual
 3 responsible for the education of the student.

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

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

8 (8) The individual otherwise is eligible to serve as a precinct
 9 election officer under this chapter but is not required to be a
 10 registered voter of the county.

11 (b) An individual appointed to a precinct election office or assistant
 12 under this section,

13 ~~(1) must serve in a nonpartisan manner in accordance with the~~
 14 ~~standards developed by the Help America Vote Foundation under~~
 15 ~~36 U.S.C. 152602; and~~

16 ~~(2) while serving as a precinct election officer or assistant:~~

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

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

21 SECTION 5. IC 3-7-16-29 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. A designated
 23 individual may use any of the following methods to transmit voter
 24 registration applications or declinations under section 27 or 28 of this
 25 chapter:

26 (1) Hand delivery to the circuit court clerk or board of
 27 registration.

28 (2) ~~Certified Delivery by the United States Postal Service,~~
 29 ~~using first class mail. return receipt requested.~~

30 (3) Electronic transfer, after approval by the commission.

31 SECTION 6. IC 3-7-18-21, AS AMENDED BY P.L.42-2011,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 21. A designated individual may use any of
 34 the following methods to transmit voter registration applications or
 35 declinations under section 19 of this chapter:

36 (1) Hand delivery to the ~~circuit court clerk or board of county~~
 37 ~~voter registration office.~~

38 (2) ~~Certified Delivery by the United States Postal Service,~~
 39 ~~using first class mail. return receipt requested.~~

40 (3) Electronic transfer, after approval by the commission.

41 SECTION 7. IC 3-7-36-10, AS AMENDED BY P.L.225-2011,
 42 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 10. (a) The county voter registration office
 2 shall process an absentee registration affidavit or form received from
 3 a voter described in section 1 of this chapter during the registration
 4 period or during the period beginning on the twenty-ninth day before
 5 the election and ending on the ~~tenth~~ **eighth** day before the election.

6 (b) A properly completed voter registration application described in
 7 this section is subject to the same requirements that are applicable to
 8 a properly completed voter registration application from a voter
 9 described in section 1 of this chapter during the period ending on the
 10 twenty-ninth day before the election.

11 SECTION 8. IC 3-7-36-14, AS AMENDED BY P.L.219-2013,
 12 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 14. (a) This section applies to a person
 14 described in subsection (b) who applies to register to vote during the
 15 period:

- 16 (1) beginning on the ~~ninth~~ **seventh** day before election day; and
- 17 (2) ending at noon election day.

18 (b) An absent uniformed services voter who is absent from Indiana
 19 during the registration period applicable to the voter under this chapter
 20 and who otherwise would be entitled to register to vote under Indiana
 21 law may, upon returning to Indiana during the period described in
 22 subsection (a) following discharge from service or reassignment,
 23 register to vote by doing the following:

- 24 (1) Showing either of the following to the county voter
 25 registration office:

26 (A) A discharge from service, dated not earlier than the
 27 beginning of the registration period that ended on the ~~tenth~~
 28 **eighth** day before election day, of:

- 29 (i) the voter;
- 30 (ii) the voter's spouse; or
- 31 (iii) the individual of whom the voter is a dependent.

32 (B) A copy of the government movement orders, with a
 33 reporting date not earlier than the beginning of the registration
 34 period that ended on the ~~tenth~~ **eighth** day before election day,
 35 of:

- 36 (i) the voter;
- 37 (ii) the voter's spouse; or
- 38 (iii) the individual of whom the voter is a dependent.

- 39 (2) Completing a registration affidavit.

40 (c) A voter who registers under this section may vote at the
 41 upcoming election only by absentee ballot at the office of the circuit
 42 court clerk at the time the voter registers under this section or at any



1 time after the voter registers under this section and before noon on
 2 election day. A voter who wants to vote under this subsection must do
 3 both of the following:

- 4 (1) Complete an application for an absentee ballot.
 5 (2) Sign an affidavit that the voter has not voted at any other
 6 precinct in the election.

7 The voter may vote at subsequent elections as otherwise provided in
 8 this title.

9 (d) If the voter votes by absentee ballot under this section, the
 10 circuit court clerk shall do the following:

- 11 (1) Certify in writing that the voter registered under this section.
 12 (2) Attach the certification to the voter's absentee ballot envelope.

13 (e) If the county has a board of registration, the board of registration
 14 shall promptly deliver the voter's registration affidavit to the circuit
 15 court clerk to permit the voter to vote under subsection (c).

16 (f) If the voter chooses not to vote under subsection (c), the county
 17 voter registration office shall register the voter on the first day of the
 18 next registration period.

19 SECTION 9. IC 3-7-40-8 IS ADDED TO THE INDIANA CODE
 20 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 21 **UPON PASSAGE]: Sec. 8. When notified by a local public official**
 22 **or plan commission under section 3 of this chapter, the county**
 23 **voter registration office shall, as soon as practicable, amend the**
 24 **entry for the voter in the computerized list under IC 3-7-26.3 to be**
 25 **consistent with the information submitted under section 3 of this**
 26 **chapter.**

27 SECTION 10. IC 3-7-48-4 IS REPEALED [EFFECTIVE JULY 1,
 28 2014]. ~~Sec. 4. In a county with a board of registration, the circuit court~~
 29 ~~clerk or board of registration shall promptly transmit all certificates of~~
 30 ~~error to the board of registration.~~

31 SECTION 11. IC 3-8-1-21 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A candidate
 33 for the office of county commissioner must:

- 34 (1) have resided in the county for at least one (1) year before the
 35 election, as provided in Article 6, Section 4 of the Constitution of
 36 the State of Indiana; and
 37 (2) have resided in the district in which seeking election, if
 38 applicable, for at least six (6) months before the election.

39 (b) **This subsection applies only to elections in a county in which**
 40 **a single county executive under IC 36-2-2.5 is elected under**
 41 **IC 3-10-2-13. A candidate for the office of single county executive**
 42 **must have resided in the county for at least one (1) year before the**



1 **election, as provided in Article 6, Section 4 of the Constitution of**
 2 **the State of Indiana.**

3 SECTION 12. IC 3-8-1-23, AS AMENDED BY P.L.146-2012,
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2014]: Sec. 23. (a) A candidate for the office of county
 6 assessor must:

7 (1) have resided in the county for at least one (1) year before the
 8 election, as provided in Article 6, Section 4 of the Constitution of
 9 the State of Indiana;

10 (2) own real property located in the county upon taking office;
 11 and

12 (3) fulfill the requirements of subsections (b) through (d), as
 13 applicable.

14 (b) A candidate for the office of county assessor who runs in an
 15 election after June 30, 2008, must have attained the certification of a
 16 level two assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

17 (c) A candidate for the office of county assessor who:

18 (1) did not hold the office of county assessor on January 1, 2012;
 19 and

20 (2) runs in an election after January 1, 2012;

21 must have attained the certification of a level three assessor-appraiser
 22 under IC 6-1.1-35.5 **before taking office.**

23 (d) A candidate for the office of county assessor who:

24 (1) held the office of county assessor on January 1, 2012; and

25 (2) runs in an election after January 1, 2016;

26 must have attained the certification of a level three assessor-appraiser
 27 under IC 6-1.1-35.5 **before taking office.**

28 SECTION 13. IC 3-8-1-23.6, AS ADDED BY P.L.146-2008,
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2014 (RETROACTIVE)]: Sec. 23.6. (a) A ~~person who~~
 31 ~~runs in an election after June 30, 2008;~~ **candidate** for the office of
 32 township assessor under IC 36-6-5-1 **who runs in an election after**
 33 **June 30, 2008**, must have attained the certification of a level two
 34 assessor-appraiser under IC 6-1.1-35.5 before taking office.

35 (b) A ~~person who runs in an election after January 1, 2012;~~
 36 **candidate** for the office of township assessor under IC 36-6-5-1 **who:**

37 (1) **did not hold the office of township assessor on January 1,**
 38 **2012; and**

39 (2) **runs in an election after January 1, 2012;**

40 must have attained the certification of a level three assessor-appraiser
 41 under IC 6-1.1-35.5 before taking office.

42 (c) **A candidate for the office of township assessor under**



1 **IC 36-6-5-1 who:**

2 **(1) held the office of county assessor on January 1, 2012; and**

3 **(2) runs in an election after January 1, 2016;**

4 **must have attained the certification of a level three**

5 **assessor-appraiser under IC 6-1.1-35.5 before taking office.**

6 SECTION 14. IC 3-8-2-12 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. **(a) Not more later**
8 **than the close of one (1) business day** after a person files a declaration
9 of candidacy in the office of the election division or circuit court clerk,
10 the election division or circuit court clerk shall **send a statement to the**
11 **candidate by:**

12 **(1) hand deliver delivery;**

13 **(2) first class United States mail; or**

14 **(3) electronic mail.**

15 to the candidate (or mail to the candidate at the address listed in the
16 declaration) a statement showing

17 **(b) The election division or circuit court clerk shall send the**
18 **statement (or a scanned copy of the statement, if the statement is**
19 **sent by electronic mail) to the mailing address or electronic mail**
20 **address set forth in the declaration of candidacy.**

21 **(c) The statement must show the following:**

22 (1) That the candidate has filed a declaration.

23 (2) The name of the candidate.

24 (3) The office for which the **declarant individual** is a candidate.

25 (4) The date on which the declaration was filed.

26 SECTION 15. IC 3-8-2.5-2, AS AMENDED BY SEA 24-2014,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]: Sec. 2. (a) A candidate for a school board office
29 must file a petition of nomination in accordance with ~~IC 3-8-6~~ **this**
30 **chapter** and as required under IC 20-23 or IC 20-25. The petition of
31 nomination, once filed, serves as the candidate's declaration of
32 candidacy for a school board office.

33 (b) A candidate may be nominated for a school board office by
34 petition of voters who are:

35 (1) registered to vote at the residence address set forth on the
36 petition on the date ~~the county voter registration office certifies~~
37 **the petition is certified** under ~~section 5 of~~ this chapter; and

38 (2) qualified to vote for the candidate.

39 (c) The petition of nomination must be signed by the number of
40 voters required for the school board office under IC 20-23 or IC 20-25.

41 (d) Except as provided in this subsection, the signature, printed
42 name, and residence address of the petitioner must be made in writing

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1 by the petitioner. If a petitioner with a disability is unable to write this
 2 information on the petition, the petitioner may authorize an individual
 3 to do so on the petitioner's behalf. The individual acting under this
 4 subsection shall execute an affidavit of assistance for each such
 5 petitioner, in a form prescribed by the commission. The form must set
 6 forth the name and address of the individual providing assistance, and
 7 the date the individual provided the assistance. The form must be
 8 submitted with the petition.

9 SECTION 16. IC 3-8-2.5-2.5, AS ADDED BY P.L.194-2013,
 10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 2.5. (a) A petition of nomination for a school
 12 board office must state all of the following:

13 (1) The name of each candidate as:

14 (A) the candidate wants the candidate's name to appear on the
 15 ballot; and

16 (B) the candidate's name is permitted to appear on the ballot
 17 under IC 3-5-7.

18 (2) The address of each candidate, including the mailing address,
 19 if different from the residence address of the candidate.

20 (3) The school board office that each candidate seeks.

21 (4) That each petitioner is a qualified registered voter and desires
 22 to be able to vote for the candidates listed on the petition.

23 (b) The petition of nomination must be accompanied by the
 24 following:

25 (1) The candidate's written consent to become a candidate.

26 (2) A statement that the candidate:

27 (A) is aware of the provisions of IC 3-9 regarding campaign
 28 finance and the reporting of campaign contributions and
 29 expenditures; and

30 (B) agrees to comply with the provisions of IC 3-9 referred to
 31 in clause (A).

32 The candidate must separately sign the statement required by this
 33 subdivision.

34 (3) A statement by the candidate that the candidate is aware of the
 35 requirement to file a campaign finance statement of organization
 36 under IC 3-9 after the first of either of the following occurs:

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

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

41 (4) A statement indicating whether or not each candidate:

42 (A) has been a candidate for state, legislative, local, or school



- 1 board office in a previous primary, **municipal, special**, or
 2 general election; and
 3 (B) has filed all reports required by IC 3-9-5-10 for all
 4 previous candidacies.
 5 (5) A statement that each candidate is legally qualified to hold the
 6 office that the candidate seeks, including any applicable residency
 7 requirements and restrictions on service due to a criminal
 8 conviction.
 9 (6) Any statement of economic interests required under IC 3-8-9.
 10 SECTION 17. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~Either the chairman and~~
 12 ~~secretary of a state convention or~~ **This section applies to a state**
 13 **convention conducted by a political party described by IC 3-8-4-1.**
 14 (b) The state chairman and state secretary of the political party
 15 holding the state convention shall certify each candidate nominated at
 16 the convention to the secretary of state not later than noon July 15
 17 before the general election.
 18 ~~(b)~~ (c) The certificate must **be in writing and** state the following:
 19 (1) **The name of each candidate nominated as:**
 20 (A) **the candidate wants the candidate's name to appear on**
 21 **the ballot; and**
 22 (B) **the candidate's name is permitted to appear on the**
 23 **ballot under IC 3-5-7.**
 24 (2) **Each candidate's residence address.**
 25 ~~(+)~~ (3) Whether each candidate nominated by the convention has
 26 complied with IC 3-9-1-5 by filing a campaign finance statement
 27 of organization.
 28 ~~(2)~~ (4) That the candidate:
 29 (A) is aware of the provisions of IC 3-9 regarding campaign
 30 finance and the reporting of campaign contributions and
 31 expenditures; and
 32 (B) agrees to comply with the provisions of IC 3-9.
 33 The candidate must separately sign the statement required by this
 34 subdivision.
 35 ~~(e)~~ (d) The commission shall prescribe the form of the certificate of
 36 nomination for the offices. The commission shall provide that the form
 37 of the certificate of nomination include the following information near
 38 the separate signature required by subsection ~~(b)(2):~~ (c)(4):
 39 (1) The dates for filing campaign finance reports under IC 3-9.
 40 (2) The penalties for late filing of campaign finance reports under
 41 IC 3-9.
 42 ~~(d)~~ (e) A certificate of nomination must include a statement that the



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

11 **(f) The certificate of nomination must be signed by the state**
 12 **chairman and state secretary of the political party holding the**
 13 **convention, and set forth the name and residence of the chairman**
 14 **and secretary. The chairman and secretary shall acknowledge the**
 15 **certificate before an individual authorized to administer oaths**
 16 **under IC 33-42-4-1. The signed acknowledgment must be included**
 17 **in the certificate of nomination executed under this section.**

18 SECTION 18. IC 3-8-7-10 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) This**
 20 **section applies to a county, city, or town convention conducted by**
 21 **a political party described by IC 3-8-4-1.**

22 **(b)** A certificate of nomination by convention or primary election
 23 must satisfy all of the following:

24 (1) Be in writing.

25 (2) Contain all of the following information for each person
 26 nominated:

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

28 (i) the person wants the person's name to appear on the
 29 ballot; and

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

32 (B) Each person's residence address.

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

34 (3) Designate a title for the political party or principle that the
 35 convention or primary election represents, together with a simple
 36 figure or device by which its lists of candidates may be designated
 37 on the ballot.

38 ~~(4)~~ **(3)** Be signed by the chairman and secretary of the convention;
 39 ~~or by the chairman and secretary of the state,~~ county, city, or town
 40 committee, who shall also give their respective places of
 41 residence and acknowledge the certificate before ~~an officer~~
 42 authorized to take acknowledgments of deeds. The certificate of



1 acknowledgment must be appended to the certificate of
 2 nomination: **an individual authorized to administer oaths**
 3 **under IC 33-42-4-1. The signed acknowledgment must be**
 4 **included in the certificate of nomination executed under this**
 5 **section.**

6 SECTION 19. IC 3-8-9-4, AS ADDED BY P.L.90-2012, SECTION
 7 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY
 8 8, 2014 (RETROACTIVE)]: Sec. 4. **(a) This section does not apply**
 9 **to a candidate for either of the following:**

10 **(1) Judge of a circuit, superior, probate, or small claims court.**

11 **(2) Prosecuting attorney of a judicial circuit.**

12 **(b)** A candidate for a local office or school board office shall file a
 13 written statement of economic interests as provided in this chapter.

14 SECTION 20. IC 3-8-9-5, AS AMENDED BY P.L.194-2013,
 15 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 5. An individual required to file a statement
 17 under section 4 of this chapter shall file the statement as follows:

18 (1) With the individual's:

19 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;

20 (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6;

21 (C) certificate of nomination under IC 3-10-2-15 or
 22 IC 3-10-6-12;

23 (D) statement consenting to be a replacement candidate under
 24 IC 3-8-6-17;

25 (E) declaration of intent to be a write-in candidate under
 26 IC 3-8-2-2.5; or

27 (F) certificate of candidate selection under IC 3-13-1 or
 28 IC 3-13-2.

29 (2) When the individual assumes a vacant elected office under
 30 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, ~~or~~ IC 3-13-11, **or**
 31 **IC 20-23-4-30.** A statement filed under this subdivision must be
 32 filed not later than noon sixty (60) days after the individual
 33 assumes the elected office.

34 SECTION 21. IC 3-10-1-14.1, AS AMENDED BY P.L.194-2013,
 35 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 14.1. (a) All the candidates for each office
 37 who have qualified in the manner prescribed by IC 3-8 for placement
 38 on the primary election ballot shall be grouped together under the name
 39 of the office and printed in type with uniform capital letters, with
 40 uniform space between each name. At the head of each group, a
 41 statement reading substantially as follows must be placed immediately
 42 below the name of the office and above the name of the first candidate:



1 "Vote for not more than (insert the number of candidates to be
2 nominated) candidates for this office."

3 ~~(b)~~ This subsection does not apply to a candidate for a political party
4 office. A candidate's given name and surname as set forth in the
5 candidate's voter registration record shall be printed in full.

6 ~~(c)~~ **(b)** In addition to the candidate's given name and surname, the
7 candidate may use:

8 (1) initials; or

9 (2) a nickname by which the candidate is commonly known;

10 if the candidate's choice of initials or nickname does not exceed twenty
11 (20) characters. Any nickname used must appear in parentheses
12 between the candidate's given name and the candidate's surname.

13 ~~(d)~~ **(c)** A candidate may not use a designation such as a title or
14 degree or a nickname that implies a title or degree.

15 ~~(e)~~ **(d)** A candidate's name must be printed on the ballot exactly as
16 the name appears on the candidate's certificate of nomination, petition
17 of nomination, or declaration of candidacy.

18 SECTION 22. IC 3-10-1-18, AS AMENDED BY P.L.221-2005,
19 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 UPON PASSAGE]: Sec. 18. (a) Except as provided by subsection (b),
21 the names of all candidates for each office who have qualified under
22 IC 3-8 shall be arranged in alphabetical order by surnames under the
23 designation of the office.

24 (b) This subsection applies to a county having a population of more
25 than four hundred thousand (400,000) but less than seven hundred
26 thousand (700,000). The names of all candidates for each office who
27 have qualified under IC 3-8, except for a school board office, precinct
28 committeeman, or state convention delegate, shall be arranged in
29 random order by surnames under the designation of the office. The
30 random order shall be determined using a lottery. The lottery held in
31 accordance with this subsection shall be conducted in public by the
32 county election board. The lottery shall be held not later than fifteen
33 (15) days following the last day for a declaration of candidacy under
34 IC 3-8-2-4. All candidates whose names are to be arranged by way of
35 the lottery shall be notified at least five (5) days prior to the lottery of
36 the time and place at which the lottery is to be held. Each candidate
37 may have one (1) designated watcher, and each county political party
38 may have one (1) designated watcher who shall be allowed to observe
39 the lottery procedure.

40 (c) For paper ballots, the left margin of the ballot for each political
41 party must show the name of the uppermost candidate printed to the
42 right of the number 1, the next candidate number 2, the next candidate



1 number 3, and so on, consecutively to the end of the ballot as
2 prescribed in section 19 of this chapter. ~~The same order shall be~~
3 ~~followed for the printing of ballot labels and their placement on~~ **If**
4 **ordered by a county election board or a board of elections and**
5 **registration under IC 3-11-15-13.1(b), a ballot number or other**
6 **candidate designation uniquely associated with the candidate must**
7 **be displayed on** the electronic voting system and ~~for the printing of~~
8 **printed on the** ballot cards.

9 (d) This subsection applies to a county having a population of more
10 than four hundred thousand (400,000) but less than seven hundred
11 thousand (700,000). If there is insufficient room on a row to list each
12 candidate of a political party, a second or subsequent row may be
13 utilized. However, a second or subsequent row may not be utilized
14 unless the first row, and all preceding rows, have been filled.

15 SECTION 23. IC 3-10-1-19, AS AMENDED BY P.L.6-2012,
16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall
18 be printed in substantially the following form for all the offices for
19 which candidates have qualified under IC 3-8:

20 OFFICIAL PRIMARY BALLOT

21 _____ Party

22 For paper ballots, print: To vote for a person, make a voting mark
23 (X or ✓) on or in the box before the person's name in the proper
24 column. For optical scan ballots, print: To vote for a person, darken or
25 shade in the circle, oval, or square (or draw a line to connect the arrow)
26 that precedes the person's name in the proper column. For optical scan
27 ballots that do not contain a candidate's name, print: To vote for a
28 person, darken or shade in the oval that precedes the number assigned
29 to the person's name in the proper column. For electronic voting
30 systems, print: To vote for a person, touch the screen (or press the
31 button) in the location indicated.

32 Vote for one (1) only

33 Representative in Congress

34 (1) AB _____

35 (2) CD _____

36 (3) EF _____

37 (4) GH _____

38 (b) Local public questions shall be placed on the primary election
39 ballot after the voting instructions described in subsection (a) and
40 before the offices described in subsection (e).

41 (c) The local public questions described in subsection (b) shall be
42 placed:



- 1 (1) in a separate column on the ballot if voting is by paper ballot;
- 2 (2) after the voting instructions described in subsection (a) and
- 3 before the offices described in subsection (e), in the form
- 4 specified in IC 3-11-13-11 if voting is by ballot card; or
- 5 (3) as provided by either of the following if voting is by an
- 6 electronic voting system:
 - 7 (A) On a separate screen for a public question.
 - 8 (B) After the voting instructions described in subsection (a)
 - 9 and before the offices described in subsection (e), in the form
 - 10 specified in IC 3-11-14-3.5.
- 11 (d) A public question shall be placed on the primary election ballot
- 12 in the following form:
 - 13 (The explanatory text for the public question,
 - 14 if required by law.)
 - 15 "Shall (insert public question)?"
 - 16 YES
 - 17 NO
- 18 (e) The offices with candidates for nomination shall be placed on
- 19 the primary election ballot in the following order:
 - 20 (1) Federal and state offices:
 - 21 (A) President of the United States.
 - 22 (B) United States Senator.
 - 23 (C) Governor.
 - 24 (D) United States Representative.
 - 25 (2) Legislative offices:
 - 26 (A) State senator.
 - 27 (B) State representative.
 - 28 (3) Circuit offices and county judicial offices:
 - 29 (A) Judge of the circuit court, and unless otherwise specified
 - 30 under IC 33, with each division separate if there is more than
 - 31 one (1) judge of the circuit court.
 - 32 (B) Judge of the superior court, and unless otherwise specified
 - 33 under IC 33, with each division separate if there is more than
 - 34 one (1) judge of the superior court.
 - 35 (C) Judge of the probate court.
 - 36 (D) Prosecuting attorney.
 - 37 (E) Circuit court clerk.
 - 38 (4) County offices:
 - 39 (A) County auditor.
 - 40 (B) County recorder.
 - 41 (C) County treasurer.
 - 42 (D) County sheriff.



- 1 (E) County coroner.
- 2 (F) County surveyor.
- 3 (G) County assessor.
- 4 (H) County commissioner. **This clause applies only to a**
- 5 **county that is not subject to IC 36-2-2.5.**
- 6 **(I) Single county executive. This clause applies only to a**
- 7 **county that is subject to IC 36-2-2.5.**
- 8 ~~(J)~~ **(J)** County council member.
- 9 (5) Township offices:
- 10 (A) Township assessor (only in a township referred to in
- 11 IC 36-6-5-1(d)).
- 12 (B) Township trustee.
- 13 (C) Township board member.
- 14 (D) Judge of the small claims court.
- 15 (E) Constable of the small claims court.
- 16 (6) City offices:
- 17 (A) Mayor.
- 18 (B) Clerk or clerk-treasurer.
- 19 (C) Judge of the city court.
- 20 (D) City-county council member or common council member.
- 21 (7) Town offices:
- 22 (A) Clerk-treasurer.
- 23 (B) Judge of the town court.
- 24 (C) Town council member.
- 25 (f) The political party offices with candidates for election shall be
- 26 placed on the primary election ballot in the following order after the
- 27 offices described in subsection (e):
- 28 (1) Precinct committeeman.
- 29 (2) State convention delegate.
- 30 (g) The local offices to be elected at the primary election shall be
- 31 placed on the primary election ballot after the offices described in
- 32 subsection (f).
- 33 (h) The offices described in subsection (g) shall be placed:
- 34 (1) in a separate column on the ballot if voting is by paper ballot;
- 35 (2) after the offices described in subsection (f) in the form
- 36 specified in IC 3-11-13-11 if voting is by ballot card; or
- 37 (3) either:
- 38 (A) on a separate screen for each office or public question; or
- 39 (B) after the offices described in subsection (f) in the form
- 40 specified in IC 3-11-14-3.5;
- 41 if voting is by an electronic voting system.
- 42 SECTION 24. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 13. The following public officials shall be
3 elected at the general election before their terms of office expire and
4 every four (4) years thereafter:

- 5 (1) Clerk of the circuit court.
6 (2) County auditor.
7 (3) County recorder.
8 (4) County treasurer.
9 (5) County sheriff.
10 (6) County coroner.
11 (7) County surveyor.
12 (8) County assessor.
13 (9) County commissioner. **This subdivision applies only to a**
14 **county that is not subject to IC 36-2-2.5.**
15 **(10) Single county executive. This subdivision applies only to**
16 **a county that is subject to IC 36-2-2.5.**
17 ~~(10)~~ **(11)** County council member.
18 ~~(11)~~ **(12)** Township trustee.
19 ~~(12)~~ **(13)** Township board member.
20 ~~(13)~~ **(14)** Township assessor (only in a township referred to in
21 IC 36-6-5-1(d)).
22 ~~(14)~~ **(15)** Judge of a small claims court.
23 ~~(15)~~ **(16)** Constable of a small claims court.

24 SECTION 25. IC 3-11-2-12, AS AMENDED BY P.L.6-2012,
25 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 12. The following offices shall be placed on
27 the general election ballot in the following order after the public
28 questions described in section 10(a) of this chapter:

- 29 (1) Federal and state offices:
30 (A) President and Vice President of the United States.
31 (B) United States Senator.
32 (C) Governor and lieutenant governor.
33 (D) Secretary of state.
34 (E) Auditor of state.
35 (F) Treasurer of state.
36 (G) Attorney general.
37 (H) Superintendent of public instruction.
38 (I) United States Representative.
39 (2) Legislative offices:
40 (A) State senator.
41 (B) State representative.
42 (3) Circuit offices and county judicial offices:



- 1 (A) Judge of the circuit court, and unless otherwise specified
- 2 under IC 33, with each division separate if there is more than
- 3 one (1) judge of the circuit court.
- 4 (B) Judge of the superior court, and unless otherwise specified
- 5 under IC 33, with each division separate if there is more than
- 6 one (1) judge of the superior court.
- 7 (C) Judge of the probate court.
- 8 (D) Prosecuting attorney.
- 9 (E) Clerk of the circuit court.
- 10 (4) County offices:
- 11 (A) County auditor.
- 12 (B) County recorder.
- 13 (C) County treasurer.
- 14 (D) County sheriff.
- 15 (E) County coroner.
- 16 (F) County surveyor.
- 17 (G) County assessor.
- 18 (H) County commissioner. **This clause applies only to a**
- 19 **county that is not subject to IC 36-2-2.5.**
- 20 **(I) Single county executive. This clause applies only to a**
- 21 **county that is subject to IC 36-2-2.5.**
- 22 **⊕ (J) County council member.**
- 23 (5) Township offices:
- 24 (A) Township assessor (only in a township referred to in
- 25 IC 36-6-5-1(d)).
- 26 (B) Township trustee.
- 27 (C) Township board member.
- 28 (D) Judge of the small claims court.
- 29 (E) Constable of the small claims court.
- 30 (6) City offices:
- 31 (A) Mayor.
- 32 (B) Clerk or clerk-treasurer.
- 33 (C) Judge of the city court.
- 34 (D) City-county council member or common council member.
- 35 (7) Town offices:
- 36 (A) Clerk-treasurer.
- 37 (B) Judge of the town court.
- 38 (C) Town council member.

39 SECTION 26. IC 3-11-3-29.4, AS ADDED BY P.L.194-2013,
 40 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 29.4. (a) This section applies to a candidate
 42 who has filed with a circuit court clerk or board of elections and



1 registration as a candidate for:

2 (1) nomination in a primary election or municipal primary
3 election; **or**

4 (2) **election to a political party office in a primary election.**

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

9 (c) However, if the county election board has already printed ballots
10 containing the name of the deceased candidate, the county may provide
11 those ballots to voters and shall not reprint the ballot to remove the
12 name of the deceased candidate.

13 (d) A voter who has cast a ballot containing the name of a deceased
14 candidate is entitled to request a replacement absentee ballot under
15 IC 3-11-10-1.5.

16 (e) Any vote cast for a deceased candidate in the primary election
17 is void.

18 SECTION 27. IC 3-11-7-15, AS AMENDED BY P.L.221-2005,
19 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 UPON PASSAGE]: Sec. 15. (a) A vendor may apply for approval of a
21 proposed improvement or change to a ballot card voting system that is
22 currently certified by the commission. A proposed improvement or
23 change may not be marketed, sold, leased, installed, or implemented in
24 Indiana before the application for the improvement or change is
25 approved by the commission.

26 (b) An application for approval of an improvement or change must
27 be in the form prescribed by the commission.

28 (c) The vendor applying for approval of an improvement or a
29 change must have the improvement or change to the voting system
30 tested by an independent laboratory accredited under 42 U.S.C. 15371.
31 The vendor shall pay any testing expenses incurred under this
32 subsection.

33 (d) The election division (or the person designated under
34 IC 3-11-16) shall review the proposed improvement or change to the
35 voting system and **the results of the testing by the independent**
36 **laboratory under subsection (c) and** report the results of the review
37 to the commission. The review must indicate **whether the proposed**
38 **improvement or change:**

39 (1) ~~whether the proposed improvement or change~~ has been
40 approved by an independent laboratory accredited under 42
41 U.S.C. 15371; ~~and~~

42 (2) ~~whether the proposed improvement or is a de minimis~~ change



1 **or a modification;**

2 **(3) if the proposed improvement or change is a modification,**
 3 **whether the modification may be installed and implemented**
 4 **without any significant likelihood that the voting system**
 5 **would be configured or perform its functions in violation of**
 6 **HAVA or this title; and**

7 **(4) would comply with HAVA and the standards set forth in this**
 8 **chapter and IC 3-11-15.**

9 (e) After the commission has approved the application for an
 10 improvement or change (**including a de minimis change**) to a ballot
 11 card voting system, the improvement or change may be marketed, sold,
 12 leased, installed, or implemented in Indiana.

13 (f) An approval of an application under this section expires on the
 14 date specified under section 19(a) of this chapter.

15 SECTION 28. IC 3-11-7.5-5, AS AMENDED BY P.L.221-2005,
 16 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 5. (a) A vendor may apply for approval of a
 18 proposed improvement or change to an electronic voting system that is
 19 currently certified by the commission. A proposed improvement or
 20 change may not be marketed, sold, leased, installed, or implemented in
 21 Indiana before the application for the improvement or change is
 22 approved by the commission.

23 (b) An application for approval of an improvement or a change must
 24 be in the form prescribed by the commission.

25 (c) The vendor applying for approval of an improvement or a
 26 change must have the improvement or change to the voting system
 27 tested by an independent laboratory accredited under 42 U.S.C. 15371.
 28 The vendor shall pay any testing expenses incurred under this
 29 subsection.

30 (d) The election division (or the person designated under
 31 IC 3-11-16) shall review the improvement or change to the voting
 32 system and **the results of the testing by the independent laboratory**
 33 **under subsection (c) and** report the results of the review to the
 34 commission. The review must indicate **whether the proposed**
 35 **improvement or change:**

36 (1) **whether the proposed improvement or change** has been
 37 approved by an independent laboratory accredited under 42
 38 U.S.C. 15371; **and**

39 (2) **whether the proposed improvement or is a de minimis change**
 40 **or a modification;**

41 (3) **if the proposed improvement or change is a modification,**
 42 **whether the modification may be installed and implemented**



1 **without any significant likelihood that the voting system**
 2 **would be configured or perform its functions in violation of**
 3 **HAVA or this title; and**

4 **(4)** would comply with HAVA and the standards set forth in this
 5 chapter and IC 3-11-15.

6 (e) After the commission has examined and approved the
 7 application for an improvement or change to an electronic voting
 8 system **(including a de minimis change)**, the improvement or change
 9 may be marketed, sold, leased, installed, or implemented in Indiana.

10 (f) An approval of an application under this section expires on the
 11 date specified by section 28(a) of this chapter.

12 SECTION 29. IC 3-11-7.5-7, AS AMENDED BY P.L.221-2005,
 13 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 7. The commission may not approve the
 15 marketing, sale, lease, installation, or implementation of an electronic
 16 voting system unless the system meets the specifications in sections 8
 17 through ~~19~~ **18** of this chapter and in IC 3-11-15.

18 SECTION 30. IC 3-11-7.5-19 IS REPEALED [EFFECTIVE UPON
 19 PASSAGE]. ~~Sec. 19: An electronic voting system must have the frame~~
 20 ~~in which the ballot label is placed constructed with a transparent~~
 21 ~~protective sheet in order that the names cannot be mutilated or altered.~~

22 SECTION 31. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005,
 23 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 31.7. (a) This section is enacted to comply
 25 with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory
 26 standards to define what constitutes a vote on an optical scan voting
 27 system.

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

31 (1) the candidates for whom the voter desires to vote by marking
 32 the connectable arrows, circles, ovals, or squares immediately
 33 beside:

34 (A) the candidates' names; or

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

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

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

39 (B) the number referring to the word "yes" or "no" on the
 40 ballot.

41 (c) If an election is a general or municipal election and a voter
 42 desires to vote for all the candidates of one (1) political party or



1 independent ticket (described in IC 3-11-2-6), the voter may mark:

2 (1) the circle enclosing the device; or

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

5 that designates the candidates of that political party or independent
6 ticket (described in IC 3-11-2-6). The voter's vote shall then be counted
7 for all the candidates of that political party or included in the
8 independent ticket (described in IC 3-11-2-6). However, if the voter
9 marks the circle, arrow, oval, or square of an independent ticket
10 (described in IC 3-11-2-6), the vote shall not be counted for any other
11 independent candidate on the ballot.

12 **(d) This subsection applies to a voter casting a ballot on a voting**
13 **system that includes features of both an optical scan ballot card**
14 **voting system and a direct record electronic voting system. After**
15 **entering into a booth used with the voting system, the voter shall**
16 **indicate the candidates for whom the voter desires to vote and the**
17 **voter's preference on each public question by:**

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

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

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

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

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

30 SECTION 32. IC 3-11-14-3.5, AS AMENDED BY P.L.194-2013,
31 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2014]: Sec. 3.5. (a) Each county election board shall have the
33 names of all candidates for all elected offices, political party offices,
34 and public questions printed on ballot labels for use in an electronic
35 voting system as provided in this chapter.

36 (b) The county may:

37 (1) print all offices and public questions on a single ballot label;
38 and

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

41 (c) Each type of ballot label ~~or paster~~ must be of uniform size and
42 of the same quality and color of paper (except as permitted under



- 1 IC 3-10-1-17).
- 2 (d) The nominees of a political party or an independent candidate
3 or independent ticket (described in IC 3-11-2-6) nominated by
4 petitioners must be listed on the ballot label with the name and device
5 set forth on the certification or petition. The circle containing the
6 device may be of any size that permits a voter to readily identify the
7 device. IC 3-11-2-5 applies if the certification or petition does not
8 include a name or device, or if the same device is selected by two (2)
9 or more parties or petitioners.
- 10 (e) The ballot labels must list the offices and public questions on the
11 general election ballot in the order listed in IC 3-11-2-12,
12 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
13 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
14 IC 3-11-2-14(d). Each office and public question may have a separate
15 screen, or the offices and public questions may be listed in a
16 continuous column either vertically or horizontally.
- 17 (f) The name of each office must be printed in a uniform size in bold
18 type. A statement reading substantially as follows must be placed
19 immediately below the name of the office and above the name of the
20 first candidate:
- 21 (1) "Vote for one (1) only.", if only one (1) candidate is to be
22 elected to the office.
- 23 (2) "Vote for not more than (insert the number of candidates to be
24 elected) candidate(s) for this office.", if more than one (1)
25 candidate is to be elected to the office.
- 26 (g) Below the name of the office and the statement required by
27 subsection (f), the names of the candidates for each office must be
28 grouped together in the following order:
- 29 (1) The major political party whose candidate received the highest
30 number of votes in the county for secretary of state at the last
31 election is listed first.
- 32 (2) The major political party whose candidate received the second
33 highest number of votes in the county for secretary of state is
34 listed second.
- 35 (3) All other political parties listed in the order that the parties'
36 candidates for secretary of state finished in the last election are
37 listed after the party listed in subdivision (2).
- 38 (4) If a political party did not have a candidate for secretary of
39 state in the last election or a nominee is an independent candidate
40 or independent ticket (described in IC 3-11-2-6), the party or
41 candidate is listed after the parties described in subdivisions (1),
42 (2), and (3).



- 1 (5) If more than one (1) political party or independent candidate
 2 or ticket described in subdivision (4) qualifies to be on the ballot,
 3 the parties, candidates, or tickets are listed in the order in which
 4 the party filed its petition of nomination under IC 3-8-6-12.
- 5 (6) A space for write-in voting is placed after the candidates listed
 6 in subdivisions (1) through (5), if required by law. A space for
 7 write-in voting for an office is not required if there are no
 8 declared write-in candidates for that office. However, procedures
 9 must be implemented to permit write-in voting for candidates for
 10 federal offices.
- 11 (7) The name of a write-in candidate may not be listed on the
 12 ballot.
- 13 (h) The names of the candidates grouped in the order established by
 14 subsection (g) must be printed in type with uniform capital letters and
 15 have a uniform space between each name. The name of the candidate's
 16 political party, or the word "Independent", if the:
 17 (1) candidate; or
 18 (2) ticket of candidates for:
 19 (A) President and Vice President of the United States; or
 20 (B) governor and lieutenant governor;
 21 is independent, must be placed immediately below or beside the name
 22 of the candidate and must be printed in uniform size and type.
- 23 (i) All the candidates of the same political party for election to
 24 at-large seats on the fiscal or legislative body of a political subdivision
 25 must be grouped together:
 26 (1) under the name of the office that the candidates are seeking;
 27 (2) in the party order established by subsection (g); and
 28 (3) within the political party, in alphabetical order according to
 29 surname.
- 30 A statement reading substantially as follows must be placed
 31 immediately below the name of the office and above the name of the
 32 first candidate: "Vote for not more than (insert the number of
 33 candidates to be elected) candidate(s) of ANY party for this office."
- 34 (j) Candidates for election to at-large seats on the governing body
 35 of a school corporation must be grouped:
 36 (1) under the name of the office that the candidates are seeking;
 37 and
 38 (2) in alphabetical order according to surname.
- 39 A statement reading substantially as follows must be placed
 40 immediately below the name of the office and above the name of the
 41 first candidate: "Vote for not more than (insert the number of
 42 candidates to be elected) candidate(s) for this office."



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

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

6 (1) placed on the ballot label; or

7 (2) posted in a location within the voting booth that permits the
 8 voter to easily read the instructions.

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

13 (1) the name of the political party or independent ticket; and

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

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

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

30 (o) The requirements in this section:

31 (1) do not replace; and

32 (2) are in addition to;

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

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

39 SECTION 33. IC 3-11.5-4-9, AS AMENDED BY P.L.271-2013,
 40 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 9. (a) This section does not apply to a county
 42 that:

EH 1318—LS 6955/DI 75



- 1 (1) has adopted an order to use an electronic poll list under
 2 IC 3-7-29-6; or
 3 (2) is a vote center county under IC 3-11-18.1;
 4 if the electronic poll list used at a polling place or vote center is
 5 immediately updated to indicate that the county received, not later than
 6 noon on election day, an absentee ballot from a voter.
- 7 (b) Upon delivery of the certificates under section 8 of this chapter
 8 to a precinct election board, the inspector shall do the following in the
 9 presence of the poll clerks:
 10 (1) Mark the poll list.
 11 (2) Attach the certificates of voters who have registered and voted
 12 under IC 3-7-36-14 to the poll list.
- 13 The poll clerks shall sign the statement printed on the certificate
 14 indicating that the inspector marked the poll list and attached the
 15 certificates under this section in the presence of both poll clerks to
 16 indicate that the absentee ballot of the voter has been received by the
 17 county election board.
- 18 (c) The inspector shall then deposit:
 19 (1) the certificate prepared under section 1 of this chapter;
 20 (2) the certificate prepared under section 8 of this chapter; and
 21 (3) any challenge affidavit executed by a qualified person under
 22 section ~~16~~ 15 of this chapter;
 23 in an envelope in the presence of both poll clerks.
- 24 (d) The inspector shall seal the envelope. The inspector and each
 25 poll clerk shall then sign a statement printed on the envelope indicating
 26 that the inspector or poll clerk has complied with the requirements of
 27 this chapter governing the marking of the poll list and certificates.
- 28 (e) The couriers shall immediately return the envelope described in
 29 subsection (c) to the county election board. Upon delivering the
 30 envelope to the county election board, each courier shall sign a
 31 statement printed on the envelope indicating that the courier has not
 32 opened or tampered with the envelope since the envelope was delivered
 33 to the courier.
- 34 SECTION 34. IC 3-11.5-4-16, AS AMENDED BY P.L.271-2013,
 35 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 16. (a) If an absentee ballot is challenged
 37 under section 15 of this chapter, the absentee voter's application for an
 38 absentee ballot shall be considered as the affidavit required to be made
 39 by a voter when challenged at the polls while voting in person.
- 40 (b) Except as provided in subsection (c), the challenge procedure
 41 under this section is the same as though the ballot was cast by the voter
 42 in person.



1 (c) An absentee voter is not required to provide proof of
2 identification.

3 (d) This subsection does not apply to a county that:

4 (1) has adopted an order to use an electronic poll list under
5 IC 3-7-29-6; or

6 (2) is a vote center county under IC 3-11-18.1.

7 If a proper affidavit by a qualified person in the form required by
8 IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if
9 the absentee voter had personally appeared, the couriers shall return the
10 affidavit to the county election board in the same envelope as the
11 certificate returned under section 9 of this chapter.

12 (e) (d) The absentee ballot cast by the challenged voter shall be
13 counted if the county election board makes the findings required under
14 IC 3-11-7. **IC 3-11.7-5.**

15 SECTION 35. IC 3-12-1-17, AS ADDED BY P.L.164-2006,
16 SECTION 125, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) This section applies only to
18 an absentee ballot sent by mail.

19 (b) Notwithstanding IC 3-11-10-14 and ~~IC 3-11.5-4-10;~~
20 **IC 3-11.5-4-7**, an absentee ballot received from an overseas voter is
21 not considered as arriving too late if both of the following apply:

22 (1) The absentee ballot envelope is postmarked not later than the
23 date of the election.

24 (2) The absentee ballot is received not later than ~~the deadline for~~
25 **counting provisional ballots under IC 3-11.7-5-1: noon ten (10)**
26 **days following the election.**

27 (c) If the postmark on the absentee ballot envelope is unclear, the
28 county election board, by unanimous vote of the entire membership of
29 the board, determines the postmark date. If the board is unable to
30 determine the postmark date, the absentee ballot may not be counted.

31 SECTION 36. IC 3-12-4-12, AS AMENDED BY P.L.221-2005,
32 SECTION 103, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than noon on the~~
34 **second Monday** After the county election board certifies the election
35 results under section 9 of this chapter, the circuit court clerk shall
36 furnish, **upon request**, to the county chairman of each political party
37 a copy of the statement.

38 SECTION 37. IC 3-12-12-1.7 IS ADDED TO THE INDIANA
39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2014]: **Sec. 1.7. As used in this chapter,**
41 **"petitioner" refers to the individual voter whose name is listed first**
42 **on the petition filed under section 2 of this chapter.**



1 SECTION 38. IC 3-12-12-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The petition filed
 3 under section 2 of this chapter must also be signed by a number of
 4 voters within the election district ~~that voted on the public question~~
 5 equal to at least ten percent (10%) of the voters who cast ballots on the
 6 public question in the election.

7 SECTION 39. IC 3-12-12-6 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) This section does
 9 not apply to a petitioner if it is determined that the result of the public
 10 question is other than what was shown on the face of the election
 11 returns.

12 (b) If a cash deposit was not made as required by section 5 of this
 13 chapter, the ~~petitioners~~ **petitioner** shall pay to the circuit court clerk
 14 within ten (10) days after the recount is completed all costs of the
 15 recount.

16 SECTION 40. IC 3-12-12-13 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. On the day when
 18 the order of a recount is made and entered by the court, the circuit court
 19 clerk shall send a certified copy of the order by certified mail to the
 20 ~~first name on each petition filed under section 2 of this chapter~~
 21 **petitioner** at the address stated in the petition. The clerk shall charge
 22 the cost of mailing the order to each petitioner.

23 SECTION 41. IC 3-12-12-17 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) After a recount
 25 is ordered under section 9 of this chapter, the recount commission shall
 26 convene at a place fixed by order of the court and expeditiously
 27 complete the recount of all votes ordered recounted.

28 (b) The ~~petitioners~~ **petitioner** may designate a watcher to be present
 29 at the recount and may also be present in person. Representatives of the
 30 media may also attend the recount.

31 SECTION 42. IC 13-11-2-74 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive"
 33 means the:

34 (1) board of commissioners of a county ~~not having that:~~

35 (A) ~~does not have~~ a consolidated city; and

36 (B) ~~is not subject to IC 36-2-2.5;~~

37 (2) ~~single county executive elected under IC 3-10-2-13, for a~~
 38 ~~county that:~~

39 (A) ~~does not have a consolidated city; and~~

40 (B) ~~is subject to IC 36-2-2.5;~~

41 (2) (3) ~~mayor of the consolidated city, for a county having a~~
 42 ~~consolidated city;~~



- 1 ~~(3)~~ **(4)** mayor of a city; or
 2 ~~(4)~~ **(5)** president of the town council of a town.
 3 SECTION 43. IC 20-24-2.3-2, AS ADDED BY P.L.280-2013,
 4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 2. As used in this chapter, "executive" has the
 6 meaning set forth in ~~IC 36-1-2-5(2)~~. **IC 36-1-2-5(3)**.
 7 SECTION 44. IC 20-46-1-14, AS AMENDED BY P.L.113-2010,
 8 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 14. (a) The referendum shall be held in the next
 10 primary election, general election, or municipal election in which all
 11 the registered voters who are residents of the appellant school
 12 corporation are entitled to vote after certification of the question under
 13 IC 3-10-9-3. The certification of the question must occur not later than
 14 noon:
 15 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if
 16 the question is to be placed on the primary or municipal primary
 17 election ballot; or
 18 (2) August 1 if the question is to be placed on the general or
 19 municipal election ballot.
 20 However, if a primary election, general election, or municipal election
 21 will not be held during the first year in which the public question is
 22 eligible to be placed on the ballot under this chapter and if the
 23 appellant school corporation requests the public question to be placed
 24 on the ballot at a special election, the public question shall be placed
 25 on the ballot at a special election to be held on the first Tuesday after
 26 the first Monday in May or November of the year. The certification
 27 must occur not later than noon ~~sixty (60)~~ **seventy-four (74)** days before
 28 a special election to be held in May (if the special election is to be held
 29 in May) or noon on August 1 (if the special election is to be held in
 30 November).
 31 (b) If the referendum is not conducted at a primary election, general
 32 election, or municipal election, the appellant school corporation in
 33 which the referendum is to be held shall pay all the costs of holding the
 34 referendum.
 35 SECTION 45. IC 33-42-4-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following may
 37 subscribe and administer oaths and take acknowledgments of all
 38 documents pertaining to all matters where an oath is required:
 39 (1) Notaries public.
 40 **(2) An official court reporter acting under IC 33-41-1-6.**
 41 ~~(2)~~ **(3)** Justices and judges of courts, in their respective
 42 jurisdictions.



- 1 ~~(3)~~ **(4)** The secretary of state.
- 2 ~~(4)~~ **(5)** The clerk of the supreme court.
- 3 ~~(5)~~ **(6)** Mayors, clerks, clerk-treasurers of towns and cities, and
- 4 township trustees, in their respective towns, cities, and townships.
- 5 ~~(6)~~ **(7)** Clerks of circuit courts and master commissioners, in their
- 6 respective counties.
- 7 ~~(7)~~ **(8)** Judges of United States district courts of Indiana, in their
- 8 respective jurisdictions.
- 9 ~~(8)~~ **(9)** United States commissioners appointed for any United
- 10 States district court of Indiana, in their respective jurisdictions.
- 11 ~~(9)~~ **(10)** A precinct election officer (as defined in IC 3-5-2-40.1)
- 12 and an absentee voter board member appointed under IC 3-11-10,
- 13 for any purpose authorized under IC 3.
- 14 ~~(10)~~ **(11)** A member of the Indiana election commission, a
- 15 co-director of the election division, or an employee of the election
- 16 division under IC 3-6-4.2.
- 17 ~~(11)~~ **(12)** County auditors, in their respective counties.
- 18 ~~(12)~~ **(13)** Any member of the general assembly anywhere in
- 19 Indiana.

20 SECTION 46. IC 35-51-36-1, AS AMENDED BY P.L.132-2012,
 21 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 1. The following statutes define crimes in
 23 IC 36:

- 24 IC 36-2-2-13 (Concerning county government).
- 25 **IC 36-2-2.5-15 (Concerning single county executives).**
- 26 IC 36-2-6-8 (Concerning county government).
- 27 IC 36-2-6-12 (Concerning county government).
- 28 IC 36-2-7-18 (Concerning county government).
- 29 IC 36-2-8-6 (Concerning county government).
- 30 IC 36-2-9-13 (Concerning county government).
- 31 IC 36-2-9-14 (Concerning county government).
- 32 IC 36-2-9.5-7 (Concerning county government).
- 33 IC 36-2-9.5-9 (Concerning county government).
- 34 IC 36-2-13-5 (Concerning county government).
- 35 IC 36-2-14-10 (Concerning county government).
- 36 IC 36-2-14-17 (Concerning county government).
- 37 IC 36-2-14-21 (Concerning county government).
- 38 IC 36-4-8-13 (Concerning government of cities and towns).
- 39 IC 36-7-12-27.5 (Concerning planning and development).
- 40 IC 36-7-14-40 (Concerning planning and development).
- 41 IC 36-7-15.1-27 (Concerning planning and development).
- 42 IC 36-7-30-28 (Concerning planning and development).



- 1 IC 36-7-30.5-36 (Concerning planning and development).
- 2 IC 36-8-3.5-23 (Concerning public safety).
- 3 IC 36-8-10-9 (Concerning public safety).
- 4 IC 36-8-16.7-41 (Concerning public safety).
- 5 IC 36-8-16.7-45 (Concerning public safety).
- 6 IC 36-8-16.7-46 (Concerning public safety).
- 7 IC 36-9-14-7 (Concerning transportation and public works).
- 8 IC 36-10-3-39 (Concerning recreation, culture, and community
- 9 facilities).
- 10 IC 36-10-4-5 (Concerning recreation, culture, and community
- 11 facilities).
- 12 IC 36-10-4-40 (Concerning recreation, culture, and community
- 13 facilities).

14 SECTION 47. IC 36-1-2-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive"
 16 means **the:**

- 17 (1) board of commissioners, for a county ~~not having that:~~
- 18 **(A) does not have a consolidated city; and**
- 19 **(B) is not subject to IC 36-2-2.5;**
- 20 **(2) single county executive elected under IC 3-10-2-13, for a**
- 21 **county that:**
- 22 **(A) does not have a consolidated city; and**
- 23 **(B) is subject to IC 36-2-2.5;**
- 24 ~~(2)~~ **(3) mayor of the consolidated city, for a county having a**
- 25 **consolidated city;**
- 26 ~~(3)~~ **(4) mayor, for a city;**
- 27 ~~(4)~~ **(5) president of the town council, for a town;**
- 28 ~~(5)~~ **(6) trustee, for a township;**
- 29 ~~(6)~~ **(7) superintendent, for a school corporation; or**
- 30 ~~(7)~~ **(8) chief executive officer, for any other political subdivision.**

31 SECTION 48. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 9. "Legislative body" means the:

- 34 (1) board of county commissioners, for a county not subject to
- 35 **IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1;**
- 36 (2) county council, for a county subject to **IC 36-2-2.5 or**
- 37 **IC 36-2-3.5;**
- 38 (3) city-county council, for a consolidated city or county having
- 39 a consolidated city;
- 40 (4) common council, for a city other than a consolidated city;
- 41 (5) town council, for a town;
- 42 (6) township board, for a township;



1 (7) governing body of any other political subdivision that has a
2 governing body; or

3 (8) chief executive officer of any other political subdivision that
4 does not have a governing body.

5 SECTION 49. IC 36-1-2-24 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. "Works board"
7 means **the:**

8 (1) board of commissioners, for a county:

9 (A) not having a consolidated city; **and**

10 (B) **not subject to IC 36-2-2.5;**

11 (2) **single county executive for a county:**

12 (A) **not having a consolidated city; and**

13 (B) **subject to IC 36-2-2.5;**

14 ~~(3)~~ (3) board of public works or board of public works and safety,
15 for a city; or

16 ~~(4)~~ (4) town council, for a town.

17 SECTION 50. IC 36-1-3-6 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a
19 constitutional or statutory provision requiring a specific manner for
20 exercising a power, a unit wanting to exercise the power must do so in
21 that manner.

22 (b) If there is no constitutional or statutory provision requiring a
23 specific manner for exercising a power, a unit wanting to exercise the
24 power must either:

25 (1) if the unit is a county or municipality, adopt an ordinance
26 prescribing a specific manner for exercising the power;

27 (2) if the unit is a township, adopt a resolution prescribing a
28 specific manner for exercising the power; or

29 (3) comply with a statutory provision permitting a specific manner
30 for exercising the power.

31 (c) An ordinance under subsection (b)(1) must be adopted as
32 follows:

33 (1) In a municipality, by the legislative body of the municipality.

34 (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1,
35 by the legislative body of the county.

36 (3) In any other county, by the executive of the county.

37 (d) A resolution under subsection (b)(2) must be adopted by the
38 legislative body of the township.

39 SECTION 51. IC 36-2-2-1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as**
41 **specifically provided**, this chapter ~~applies to all counties~~ **not does not**
42 **apply to the following:**



1 (1) A county having a consolidated city.

2 (2) A county in which a single county executive has been
3 elected and is serving under IC 36-2-2.5.

4 SECTION 52. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]:

7 **Chapter 2.4. Determination of County Government Structure**

8 **Sec. 1. This chapter applies only to a county having a population**
9 **of more than three hundred thousand (300,000) but less than four**
10 **hundred thousand (400,000).**

11 **Sec. 2. A public question shall be held in the county on whether**
12 **the executive and legislative structure and functions of the county**
13 **should be reorganized under IC 36-2-2.5.**

14 **Sec. 3. The county election board shall place the following public**
15 **question on the ballot at the general election held in November**
16 **2014:**

17 "Shall the county government of (insert the name of the
18 county) County be reorganized to place all executive powers
19 in a single county executive and to place all legislative and
20 fiscal powers in the county council?"

21 **Sec. 4. IC 3, except where inconsistent with this chapter, applies**
22 **to a public question placed on the ballot under this chapter. A**
23 **public question under this chapter must be certified in accordance**
24 **with IC 3-10-9-3 and shall be placed on the ballot in accordance**
25 **with IC 3-10-9.**

26 **Sec. 5. If a majority of the voters of a county who vote on a**
27 **public question placed on the ballot under this chapter vote in**
28 **favor of the public question, the executive and legislative structure**
29 **and functions of the county shall be reorganized under IC 36-2-2.5.**

30 SECTION 53. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE
31 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]:

33 **Chapter 2.5. Single County Executive**

34 **Sec. 1. Except as specifically provided by law, this chapter**
35 **applies only to a county:**

36 (1) that has a population of more than three hundred
37 thousand (300,000) but less than four hundred thousand
38 (400,000); and

39 (2) in which a public question under IC 36-2-2.4 making the
40 county executive a single county executive has been approved
41 by the voters of the county.

42 **Sec. 2. As used in this chapter, "single county executive" means**



1 the single county executive elected under IC 3-10-2-13.

2 **Sec. 3. In a county to which this chapter applies:**

3 **(1) the voters of the county:**

4 **(A) shall elect one (1) single county executive in the 2018**
 5 **general election and every four (4) years thereafter; and**

6 **(B) beginning with the 2018 general election, shall not elect**
 7 **a board of county commissioners;**

8 **(2) the board of county commissioners for the county is**
 9 **abolished January 1, 2019;**

10 **(3) notwithstanding IC 36-2-2-3, the term of each county**
 11 **commissioner serving on December 31, 2018, expires January**
 12 **1, 2019;**

13 **(4) the county council shall divide the county into nine (9)**
 14 **contiguous, single-member county council districts as**
 15 **required by IC 36-2-3-4.1; and**

16 **(5) beginning January 1, 2019, the county council must consist**
 17 **of nine (9) members elected from single-member county**
 18 **council districts.**

19 **Sec. 4. (a) The term of office of a single county executive is four**
 20 **(4) years, beginning January 1 after election and continuing until**
 21 **a successor is elected and qualified.**

22 **(b) To be eligible for election as the single county executive, an**
 23 **individual must meet the qualifications under IC 3-8-1-21. If an**
 24 **individual does not remain a resident of the county after taking**
 25 **office as the single county executive, the individual forfeits the**
 26 **office. The county legislative body shall declare the office vacant**
 27 **whenever the single county executive forfeits the office under this**
 28 **subsection.**

29 **(c) If the office of single county executive becomes vacant, the**
 30 **county council shall appoint an individual to serve as the single**
 31 **county executive until the office is filled under IC 3-13.**

32 **Sec. 5. (a) On January 1, 2019, all property, assets, funds,**
 33 **equipment, records, rights, contracts, obligations, and liabilities of**
 34 **the board of county commissioners of a county are transferred to**
 35 **or assumed by the single county executive.**

36 **(b) The abolishment of the board of county commissioners of a**
 37 **county on January 1, 2019, does not invalidate any:**

38 **(1) ordinances, resolutions, fees, schedules, or other actions**
 39 **adopted or taken by the board of county commissioners**
 40 **before the board is abolished; or**

41 **(2) appointments made by the board of county commissioners**
 42 **before the board is abolished.**



1 **Sec. 6. (a) Notwithstanding any other provision, a single county**
 2 **executive has the power to make any appointments that the board**
 3 **of county commissioners made before the board was abolished.**

4 **(b) All powers and duties of the county that are executive or**
 5 **administrative in nature (including any power of appointment**
 6 **related to executive or administrative functions) shall be exercised**
 7 **or performed by the single county executive, except to the extent**
 8 **that these powers and duties are expressly assigned by law to**
 9 **another elected or appointed officer. The single county executive**
 10 **shall transact the business of the county in the name of the county.**

11 **(c) For purposes of a county subject to this chapter, after**
 12 **December 31, 2018, any reference in:**

13 **(1) the Indiana Code;**

14 **(2) the Indiana Administrative Code;**

15 **(3) an ordinance or resolution; or**

16 **(4) any deed, lease, contract, or other official document or**
 17 **instrument;**

18 **to the board of county commissioners pertaining to the executive**
 19 **powers of a county shall be considered a reference to the single**
 20 **county executive of the county.**

21 **(d) For purposes of a county subject to this chapter, after**
 22 **December 31, 2018, any reference in:**

23 **(1) the Indiana Code;**

24 **(2) the Indiana Administrative Code;**

25 **(3) an ordinance or resolution; or**

26 **(4) any deed, lease, contract, or other official document or**
 27 **instrument;**

28 **related to the executive powers and duties of the board of county**
 29 **commissioners shall be considered a reference to the powers and**
 30 **duties of the single county executive of the county.**

31 **(e) For purposes of a county subject to this chapter, after**
 32 **December 31, 2018, the county council has the legislative and fiscal**
 33 **powers and duties of the county under IC 36-2-3.7.**

34 **Sec. 7. The single county executive shall do the following:**

35 **(1) Report on the condition of the county before March 1 of**
 36 **each year to the county legislative body and to the county**
 37 **residents.**

38 **(2) Recommend before March 1 of each year to the county**
 39 **legislative body any action or program the single county**
 40 **executive considers necessary for the improvement of the**
 41 **county and the welfare of county residents.**

42 **(3) Submit to the county legislative body an annual budget in**



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- accordance with IC 36-2-5.
- (4) Establish procedures to be followed by all county departments, offices, and agencies under the single county executive's jurisdiction to the extent these procedures are not expressly assigned by law to another elected or appointed officer.
- (5) Administer all statutes, ordinances, and regulations applicable to the county, to the extent the administration of these matters is not expressly assigned by law to another elected or appointed officer.
- (6) Supervise the care and custody of all county property.
- (7) Supervise the collection of revenues, control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned by law to another elected or appointed officer.
- (8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report on and make recommendations concerning the services, finances, and programs to the county legislative body by March 15 of each year.
- (9) Negotiate contracts for the county.
- (10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.
- (11) Supervise county administrative offices, except for the offices of elected officers.
- (12) Do the following in January of each year:
 - (A) Make a settlement with the county treasurer for the preceding calendar year, and include a copy of the settlement sheet in the order book of the single county executive.
 - (B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The single county executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.
- (13) Perform other duties and functions that are assigned to the single county executive by statute or ordinance.



1 **Sec. 8. The single county executive may do any of the following:**

2 **(1) Order any department, office, or agency under the single**
 3 **county executive's jurisdiction to undertake any task for**
 4 **another department, office, or agency under the single county**
 5 **executive's jurisdiction on a temporary basis, if necessary for**
 6 **the proper and efficient administration of county government.**

7 **(2) Establish and administer centralized budgeting,**
 8 **centralized personnel selection, and centralized purchasing.**

9 **(3) Audit the accounts of officers who deal with money**
 10 **belonging to or appropriated for the benefit of the county.**

11 **(4) Approve accounts chargeable against the county and**
 12 **direct the raising of money necessary for county expenses.**

13 **(5) Make orders concerning county property, including orders**
 14 **for:**

15 **(A) the sale of the county's public buildings and the**
 16 **acquisition of land in the county seat on which to build new**
 17 **public buildings; and**

18 **(B) the acquisition of land for a public square and the**
 19 **maintenance of that square.**

20 **However, a conveyance or purchase by a county of land**
 21 **having a value of one thousand dollars (\$1,000) or more must**
 22 **be authorized by an ordinance of the county legislative body**
 23 **fixing the terms and conditions of the transaction.**

24 **Sec. 9. (a) The single county executive shall establish and**
 25 **maintain a county courthouse, county jail, and public offices for**
 26 **the county clerk, the county auditor, the county recorder, the**
 27 **county treasurer, the county sheriff, and the county surveyor.**

28 **(b) Offices for the county surveyor must be in the courthouse or**
 29 **at the county seat.**

30 **(c) Offices for the county sheriff may be located:**

31 **(1) in the courthouse;**

32 **(2) inside the corporate limits of the county seat; or**

33 **(3) outside the corporate limits of the county seat but within**
 34 **the limits of the county.**

35 **Sec. 10. (a) The single county executive may grant licenses,**
 36 **permits, or franchises for the use of county property if the licenses,**
 37 **permits, or franchises:**

38 **(1) are not exclusive;**

39 **(2) are of a definite duration; and**

40 **(3) are assignable only with the consent of the single county**
 41 **executive.**

42 **(b) If a public utility or municipally owned or operated utility**



1 that carries on business outside the corporate boundaries of
 2 municipalities in the county is engaged in an activity substantially
 3 similar to that for which a license, permit, or franchise for the use
 4 of county property is sought, the single county executive may grant
 5 the license, permit, or franchise only with the consent of the
 6 Indiana utility regulatory commission. The commission may give
 7 its consent only if the commission determines, after a public
 8 hearing of all interested parties, that public necessity and
 9 convenience require the substantially similar activity.

10 (c) The provisions of this section that concern securing the
 11 consent of the Indiana utility regulatory commission do not apply
 12 to municipally owned or operated utilities.

13 **Sec. 11.** Notwithstanding any other law, if a statute requires a
 14 county executive to take an executive action by ordinance or
 15 resolution, a single county executive shall instead take the action by
 16 issuing an executive order.

17 **Sec. 12. (a)** If the single county executive is disqualified from
 18 acting in a quasi-judicial proceeding, the single county executive
 19 shall cease to act in that proceeding. Not later than ten (10) days
 20 after the finding that the single county executive is disqualified to
 21 act in a proceeding, the county auditor shall send a certified copy
 22 of the record of the proceeding to the judge of the circuit court for
 23 the county. If the judge affirms the disqualification of the single
 24 county executive, the judge shall appoint a disinterested and
 25 competent person to serve as a special executive in the proceeding.

26 (b) A person who consents to serve as a special executive must
 27 have the same qualifications as an elected single county executive.
 28 The person's appointment and oath shall be filed with the county
 29 auditor and entered on the records of the single county executive.
 30 A person appointed as a special executive may conduct the
 31 proceeding until a final determination is reached.

32 **Sec. 13.** The single county executive shall keep the single county
 33 executive's office open on each business day.

34 **Sec. 14.** Appointments made by the single county executive
 35 under section 6(a) of this chapter shall be attested to by the county
 36 auditor, under the seal of the single county executive.

37 **Sec. 15. (a)** The single county executive may employ a person:

38 (1) to perform a duty required of a county officer by statute;

39 or

40 (2) on a commission or percentage basis;

41 only if the employment is expressly authorized by statute or is
 42 found by the single county executive to be necessary to the public



1 interest.

2 (b) If a person's employment under subsection (a) is not
3 expressly authorized by statute, the contract for the person's
4 employment must be filed with the circuit court for the county, and
5 the person must file the person's claims for compensation with that
6 court. Any taxpayer may contest a claim under this section.

7 (c) A single county executive who knowingly, intentionally, or
8 recklessly violates this section commits a Class C misdemeanor and
9 forfeits the single county executive's office.

10 Sec. 16. (a) If a party to a proceeding before the single county
11 executive is aggrieved by a decision of the single county executive,
12 the party may appeal that decision to the circuit court for the
13 county.

14 (b) A person who is not a party to a proceeding before the single
15 county executive may appeal a decision of the single county
16 executive only if the person files with the county auditor an
17 affidavit:

18 (1) specifically setting forth the person's interest in the matter
19 decided; and

20 (2) alleging that the person is aggrieved by the decision of the
21 single county executive.

22 (c) An appeal under this section must be taken not later than
23 thirty (30) days after the single county executive makes the decision
24 by which the appellant is aggrieved.

25 (d) An appellant under this section must file with the county
26 auditor a bond conditioned on due prosecution of the appeal. The
27 bond is subject to approval by the county auditor and must be in
28 an amount sufficient to provide security for court costs.

29 (e) Not later than twenty (20) days after the county auditor
30 receives the appeal bond, the county auditor shall prepare a
31 complete transcript of the proceedings of the single county
32 executive related to the decision appealed from and shall deliver
33 the transcript, all documents filed during the proceedings, and the
34 appeal bond to the clerk of the circuit court.

35 Sec. 17. (a) An appeal under section 16 of this chapter shall be
36 docketed among the other causes pending in the circuit court and
37 shall be tried as an original cause.

38 (b) A court may decide an appeal under section 16 of this
39 chapter by:

40 (1) affirming the decision of the single county executive; or

41 (2) remanding the cause to the single county executive with
42 directions as to how to proceed;



1 and may require the single county executive to comply with this
2 decision.

3 **Sec. 18. (a)** The county auditor or the single county executive
4 may administer any oaths required by this chapter.

5 **(b)** The sheriff or a county police officer shall attend any
6 meeting with the single county executive at the request of the single
7 county executive.

8 **Sec. 19. (a)** Appointments made by the single county executive
9 shall be certified by the county auditor, under the seal of the single
10 county executive.

11 **(b)** If a copy of the single county executive's proceedings has
12 been signed and sealed by the county auditor and introduced into
13 evidence in court, that copy is presumed to be an accurate record
14 of the single county executive's proceedings.

15 **Sec. 20. (a)** The single county executive may employ and fix the
16 compensation of an attorney to represent and advise the executive.

17 **(b)** For purposes of Article 2, Section 9 of the Constitution of the
18 State of Indiana, employment by a single county executive as an
19 attorney does not constitute a lucrative office.

20 SECTION 54. IC 36-2-2.7 IS ADDED TO THE INDIANA CODE
21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]:

23 **Chapter 2.7. Reversion to Previous County Government**
24 **Structure**

25 **Sec. 1.** This chapter applies only to a county that has a
26 population of more than three hundred thousand (300,000) but less
27 than four hundred thousand (400,000).

28 **Sec. 2.** As used in this chapter, "single county executive" means
29 the single county executive elected under IC 3-10-2-13.

30 **Sec. 3.** A county that elects a single county executive under
31 IC 36-2-2.5 may, as provided in this chapter, revert to a county
32 government structure that has a board of county commissioners
33 rather than a single county executive.

34 **Sec. 4. (a)** Subject to subsection (b), the county council may
35 adopt an ordinance providing that the voters of the county shall
36 elect:

37 (1) a three (3) member board of county commissioners that
38 has the executive and legislative powers and duties of the
39 county; and

40 (2) a county council that has the fiscal powers and duties of
41 the county.

42 **(b)** An ordinance described in subsection (a) may be adopted



1 under this chapter only:

- 2 (1) during an odd-numbered year; or
 3 (2) before July 1 of an even-numbered year.

4 (c) If an ordinance is adopted under this section:

- 5 (1) the county auditor shall certify the adoption of the
 6 ordinance to the county election board; and
 7 (2) a vote on a public question shall be held in the county
 8 under section 5 of this chapter on whether the executive and
 9 legislative structure and functions of the county should be
 10 reorganized under section 6 of this chapter.

11 Sec. 5. (a) If an ordinance is certified under section 4 of this
 12 chapter, the county election board shall place the following public
 13 question on the ballot at the next general election held in the county
 14 after the ordinance is certified:

15 "Shall the county government of (insert the name of the
 16 county) County be reorganized to elect a board of county
 17 commissioners rather than a single county executive?"

18 (b) IC 3, except where inconsistent with this chapter, applies to
 19 a public question placed on the ballot under this chapter. A public
 20 question under this chapter must be certified in accordance with
 21 IC 3-10-9-3 and shall be placed on the ballot in accordance with
 22 IC 3-10-9.

23 (c) If a majority of the voters of a county who vote on a public
 24 question placed on the ballot under this section vote in favor of the
 25 public question, the executive and legislative structure and
 26 functions of the county shall be reorganized under section 6 of this
 27 chapter.

28 Sec. 6. The following apply if a majority of the voters of a
 29 county who vote on a public question placed on the ballot under
 30 section 5 of this chapter vote in favor of the public question:

- 31 (1) The executive, the executive and legislative structure, and
 32 the functions of the county are reorganized as provided in this
 33 section.
 34 (2) The voters of the county shall elect:
 35 (A) a three (3) member board of county commissioners
 36 that has the executive and legislative powers and duties of
 37 the county; and
 38 (B) a county council that has the fiscal powers and duties
 39 of the county.
 40 (3) The office of the board of county commissioners shall be
 41 placed on the primary election ballot for the county in the
 42 year of the second general election after the public question is



- 1 approved. The office of single county executive shall not be
 2 placed on the primary election ballot for the county in the
 3 year of the second general election after the public question is
 4 approved.
- 5 (4) The office of the board of county commissioners shall be
 6 placed on the general election ballot for the county at the
 7 second general election after the public question is approved
 8 and, except as provided in subdivision (6) to provide for
 9 staggered terms, every four (4) years thereafter. Beginning
 10 with the second general election after the public question is
 11 approved, the county shall not elect a single county executive.
- 12 (5) On January 1 in the year following the year that the board
 13 of county commissioners is elected under this chapter, the
 14 following occur:
- 15 (A) The office of single county executive is abolished, and
 16 the term of the single county executive expires.
- 17 (B) The county is not subject to IC 36-2-2.5 and
 18 IC 36-2-3.7.
- 19 (C) The county executive is the board of county
 20 commissioners elected under IC 36-2-2. The board of
 21 county commissioners has all powers that are executive or
 22 administrative in nature.
- 23 (D) The county legislative body is the board of county
 24 commissioners, and all powers that are legislative in nature
 25 are transferred from the county fiscal body to the board of
 26 county commissioners.
- 27 (E) The county council is the county fiscal body.
- 28 (F) All property, assets, funds, equipment, records, rights,
 29 contracts, obligations, and liabilities of the single county
 30 executive are transferred to or assumed by the board of
 31 county commissioners.
- 32 (6) Notwithstanding IC 36-2-2-3, to provide for staggered
 33 terms of the members of the board of county commissioners
 34 elected after the structure and functions of the county are
 35 reorganized under this chapter, the county council may,
 36 before the primary election described in subdivision (3), adopt
 37 an ordinance specifying which of the three (3) board of county
 38 commissioner members to be elected at the second general
 39 election after the public question is approved shall serve an
 40 initial term of two (2) years rather than four (4) years.
- 41 (7) The abolishment of the office of the single county executive
 42 on January 1 following the year in which the board of county



- 1 **commissioners is elected does not invalidate:**
- 2 **(A) any resolutions, fees, schedules, or other actions**
- 3 **adopted or taken by the single county executive before the**
- 4 **office is abolished; or**
- 5 **(B) any appointments made by the single county executive**
- 6 **before the office is abolished.**
- 7 **(8) Effective with the second general election after the public**
- 8 **question is approved under section 5 of this chapter, the**
- 9 **county council shall be elected with four (4) single-member**
- 10 **county council districts and three (3) at-large members under**
- 11 **IC 36-2-3-4. The county council shall divide the county into**
- 12 **the four (4) contiguous, single-member county council**
- 13 **districts in the manner specified in IC 36-2-3-4. The terms of**
- 14 **all county council members serving at the time of the second**
- 15 **general election after the public question is approved under**
- 16 **section 5 of this chapter expire January 1 following the**
- 17 **election. Notwithstanding any other law, to provide for**
- 18 **staggered terms of the members of the county council, the**
- 19 **county council may, before the primary election preceding the**
- 20 **general election at which county council members will be**
- 21 **elected as provided in this subdivision, adopt an ordinance**
- 22 **specifying which of the members of the county council to be**
- 23 **elected at the second general election after the public question**
- 24 **is approved shall serve an initial term of two (2) years rather**
- 25 **than four (4) years.**
- 26 SECTION 55. IC 36-2-3-4, AS AMENDED BY P.L.271-2013,
- 27 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
- 29 county having a population of:
- 30 (1) more than four hundred thousand (400,000) but less than
- 31 seven hundred thousand (700,000); or
- 32 (2) more than two hundred fifty thousand (250,000) but less than
- 33 two hundred seventy thousand (270,000).
- 34 **Except as provided in section 4.1 of this chapter,** the county
- 35 executive shall, by ordinance, divide the county into four (4)
- 36 contiguous, single-member districts that comply with subsection (d).
- 37 If necessary, the county auditor shall call a special meeting of the
- 38 executive to establish or revise districts. One (1) member of the fiscal
- 39 body shall be elected by the voters of each of the four (4) districts.
- 40 Three (3) at-large members of the fiscal body shall be elected by the
- 41 voters of the whole county.
- 42 (b) This subsection applies to a county having a population of more



1 than four hundred thousand (400,000) but less than seven hundred
 2 thousand (700,000). The county redistricting commission established
 3 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 4 districts that comply with subsection (d). One (1) member of the fiscal
 5 body shall be elected by the voters of each of these seven (7)
 6 single-member districts.

7 (c) This subsection applies to a county having a population of more
 8 than two hundred fifty thousand (250,000) but less than two hundred
 9 seventy thousand (270,000). The fiscal body shall divide the county
 10 into nine (9) single-member districts that comply with subsection (d).
 11 Three (3) of these districts must be contained within each of the three
 12 (3) districts established under IC 36-2-2-4(c). One (1) member of the
 13 fiscal body shall be elected by the voters of each of these nine (9)
 14 single-member districts.

15 (d) Single-member districts established under subsection (a), (b), or
 16 (c) must:

- 17 (1) be compact, subject only to natural boundary lines (such as
- 18 railroads, major highways, rivers, creeks, parks, and major
- 19 industrial complexes);
- 20 (2) not cross precinct boundary lines;
- 21 (3) contain, as nearly as possible, equal population; and
- 22 (4) include whole townships, except when a division is clearly
- 23 necessary to accomplish redistricting under this section.

24 (e) Except as provided by subsection (g), a division under
 25 subsection (a), (b), or (c) shall be made:

- 26 (1) during the first year after a year in which a federal decennial
- 27 census is conducted; and
- 28 (2) when the county executive adopts an order declaring a county
- 29 boundary to be changed under IC 36-2-1-2.

30 (f) A division under subsection (a), (b), or (c) may be made in any
 31 odd-numbered year not described in subsection (e). **In a county in**
 32 **which a public question is approved under IC 36-2-2.7-5, a division**
 33 **under subsection (a) shall be made by the county council during the**
 34 **year before county council members will be elected under**
 35 **IC 36-2-2.7-6(8).**

36 (g) This subsection applies during the first year after a year in which
 37 a federal decennial census is conducted. If the county executive, county
 38 redistricting commission, or county fiscal body determines that a
 39 division under subsection (e) is not required, the county executive,
 40 county redistricting commission, or county fiscal body shall adopt an
 41 ordinance recertifying that the districts as drawn comply with this
 42 section.



1 (h) Each time there is a division under subsection (e) or (f) or a
 2 recertification under subsection (g), the county executive, county
 3 redistricting commission, or county fiscal body shall file with the
 4 circuit court clerk of the county, not later than thirty (30) days after the
 5 division or recertification occurs, a map of the district boundaries:

- 6 (1) adopted under subsection (e) or (f); or
 7 (2) recertified under subsection (g).

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

16 (j) If a conflict exists between:

- 17 (1) a map showing the boundaries of a district; and
 18 (2) a description of the boundaries of that district set forth in the
 19 ordinance;

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

23 SECTION 56. IC 36-2-3-4.1 IS ADDED TO THE INDIANA CODE
 24 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 25 **UPON PASSAGE]: Sec. 4.1. (a) This section applies only to a**
 26 **county:**

- 27 (1) that has a population of more than three hundred
 28 thousand (300,000) but less than four hundred thousand
 29 (400,000); and
 30 (2) in which a public question under IC 36-2-2.4 making the
 31 county executive a single county executive has been approved
 32 by the voters of the county.

33 (b) Effective for the 2018 general election, the county fiscal body
 34 shall by ordinance divide the county into nine (9) contiguous,
 35 single-member districts that comply with subsection (c). One (1)
 36 member of the fiscal body shall be elected by the voters of each of
 37 the nine (9) districts.

38 (c) Single-member districts established under subsection (b)
 39 must:

- 40 (1) be compact, subject only to natural boundary lines (such
 41 as railroads, major highways, rivers, creeks, parks, and major
 42 industrial complexes);



- 1 (2) not cross precinct boundary lines;
 2 (3) contain, as nearly as possible, equal population;
 3 (4) include whole townships, except when a division is clearly
 4 necessary to accomplish redistricting under this section;
 5 (5) consider how communities of interest within the county
 6 can best be represented; and
 7 (6) be drawn so as to provide at least one (1) representative to
 8 each distinct community of interest to the extent practicable
 9 and not inconsistent with other applicable law.
 10 (d) A division under subsection (b) shall be made:
 11 (1) effective for the 2018 general election; and
 12 (2) whenever the county executive adopts an order declaring
 13 a county boundary to be changed under IC 36-2-1-2.
 14 (e) After a division is initially made under subsection (b),
 15 another division may be made in any odd-numbered year not
 16 described in subsection (d).
 17 SECTION 57. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]:
 20 **Chapter 3.7. County Council as the County Legislative Body**
 21 **Sec. 1. Except as specifically provided by law, this chapter**
 22 **applies only to a county:**
 23 (1) having a population of more than three hundred thousand
 24 (300,000) but less than four hundred thousand (400,000); and
 25 (2) in which a public question under IC 36-2-2.4 making the
 26 county executive a single county executive has been approved
 27 by the voters of the county.
 28 **Sec. 2. As used in this chapter, "single county executive" means**
 29 **the single county executive elected under IC 3-10-2-13.**
 30 **Sec. 3. (a) In a county to which this chapter applies:**
 31 (1) the voters of the county shall continue to elect members of
 32 the county council;
 33 (2) beginning on January 1, 2019:
 34 (A) the executive and legislative powers of the county are
 35 divided between separate branches of county government,
 36 and a power belonging to one (1) branch of county
 37 government may not be exercised by the other branch of
 38 county government;
 39 (B) the county council is the county legislative body as well
 40 as the county fiscal body; and
 41 (C) the single county executive is the county executive of
 42 the county and has the executive and administrative



- 1 powers and duties of the county as provided in IC 36-2-2.5;
 2 and
 3 (3) the county council must consist of nine (9) members
 4 elected by the voters of each of the nine (9) districts.
 5 (b) The following apply in a county to which this chapter
 6 applies:
 7 (1) Nine (9) county council members shall be elected at the
 8 2018 general election.
 9 (2) The terms of all county council members serving on
 10 December 31, 2018, expire January 1, 2019.
 11 (3) Notwithstanding any other law, to provide for staggered
 12 terms of the members of the county council, the county
 13 council may, before the 2018 primary election, adopt an
 14 ordinance specifying which of the nine (9) members of the
 15 county council to be elected at the 2018 general election shall
 16 serve an initial term of two (2) years rather than four (4)
 17 years.
 18 Sec. 4. (a) All powers and duties of the county that are legislative
 19 in nature, including any power of appointment related to legislative
 20 functions, shall be exercised or performed by the county council
 21 functioning as the county legislative body.
 22 (b) The county council has the same legislative powers and
 23 duties that the board of county commissioners in the county had
 24 before the board of county commissioners was abolished.
 25 (c) For purposes of a county subject to this chapter, after
 26 December 31, 2018, any reference in:
 27 (1) the Indiana Code;
 28 (2) the Indiana Administrative Code;
 29 (3) an ordinance or resolution; or
 30 (4) any deed, lease, contract, or other official document or
 31 instrument;
 32 to the board of county commissioners pertaining to the legislative
 33 powers of a county shall be considered a reference to the county
 34 council of the county.
 35 (d) For purposes of a county subject to this chapter, after
 36 December 31, 2018, any reference in:
 37 (1) the Indiana Code;
 38 (2) the Indiana Administrative Code;
 39 (3) an ordinance or resolution; or
 40 (4) any deed, lease, contract, or other official document or
 41 instrument;
 42 related to the legislative powers and duties of the board of county



1 **commissioners shall be considered a reference to the powers and**
 2 **duties of the county council of the county.**

3 **Sec. 5. The county council may do any of the following:**

4 **(1) Establish committees that are necessary to carry out the**
 5 **county council's functions.**

6 **(2) Employ legal and administrative personnel necessary to**
 7 **carry out the county council's functions.**

8 **(3) Pass all ordinances, orders, resolutions, and motions for**
 9 **the government of the county, in the manner prescribed by**
 10 **IC 36-2-4.**

11 **(4) Receive gifts, bequests, and grants from public or private**
 12 **sources.**

13 **(5) Conduct investigations into the conduct of county business**
 14 **for the purpose of correcting deficiencies and ensuring**
 15 **adherence to law and county ordinances and policies.**

16 **(6) Establish, by ordinance, new county departments,**
 17 **divisions, or agencies whenever necessary to promote efficient**
 18 **county government.**

19 SECTION 58. IC 36-2-4-8, AS AMENDED BY P.L.159-2011,
 20 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is
 22 considered adopted when it is signed by the presiding officer. If
 23 required, an adopted ordinance, order, or resolution must be
 24 promulgated or published according to statute before it takes effect.

25 (b) An ordinance prescribing a penalty or forfeiture for a violation
 26 must, before it takes effect, be published once each week for two (2)
 27 consecutive weeks, according to IC 5-3-1. However, if such an
 28 ordinance is adopted by the legislative body of a county subject to
 29 **IC 36-2-2.5 or IC 36-2-3.5** and there is an urgent necessity requiring
 30 its immediate effectiveness, it need not be published if:

31 (1) the county executive proclaims the urgent necessity; and

32 (2) copies of the ordinance are posted in three (3) public places in
 33 each of the districts of the county before it takes effect.

34 (c) The following apply in addition to the other requirements of this
 35 section:

36 (1) An ordinance or resolution passed by the legislative body of
 37 a county subject to **IC 36-2-2.5 or IC 36-2-3.5** is considered
 38 adopted only if it is:

39 (A) approved by signature of a majority of the county
 40 executive **(in the case of a county subject to IC 36-2-3.5) or**
 41 **by signature of the single county executive (in the case of**
 42 **a county subject to IC 36-2-2.5);**



- 1 (B) neither approved nor vetoed by a majority of the executive
 2 **(in the case of a county subject to IC 36-2-3.5) or by the**
 3 **single county executive (in the case of a county subject to**
 4 **IC 36-2-2.5),** within ten (10) days after passage by the
 5 legislative body; or
 6 (C) passed over the veto of the executive by a two-thirds (2/3)
 7 vote of the legislative body, within sixty (60) days after
 8 presentation of the ordinance or resolution to the executive.
- 9 (2) Subject to subsection (g), the legislative body of a county
 10 shall:
- 11 (A) subject to subdivision (3), give written notice to the
 12 department of environmental management not later than sixty
 13 (60) days before amendment or repeal of an environmental
 14 restrictive ordinance; and
 15 (B) give written notice to the department of environmental
 16 management not later than thirty (30) days after passage,
 17 amendment, or repeal of an environmental restrictive
 18 ordinance.
- 19 (3) Upon written request by the legislative body, the department
 20 of environmental management may waive the notice requirement
 21 of subdivision (2)(A).
- 22 (4) An environmental restrictive ordinance passed or amended
 23 after 2009 by the legislative body must state the notice
 24 requirements of subdivision (2).
- 25 (5) The failure of an environmental restrictive ordinance to
 26 comply with subdivision (4) does not void the ordinance.
- 27 (d) After an ordinance or resolution passed by the legislative body
 28 of a county subject to **IC 36-2-2.5 or IC 36-2-3.5** has been signed by
 29 the presiding officer, the county auditor shall present it to the county
 30 executive, and record the time of the presentation. Within ten (10) days
 31 after an ordinance or resolution is presented to it, the executive shall:
- 32 (1) approve the ordinance or resolution, by signature of a majority
 33 of the executive **(in the case of a county subject to IC 36-2-3.5)**
 34 **or by signature of the single county executive (in the case of a**
 35 **county subject to IC 36-2-2.5),** and send the legislative body a
 36 message announcing its approval; or
 37 (2) veto the ordinance or resolution, by returning it to the
 38 legislative body with a message announcing its veto and stating
 39 its reasons for the veto.
- 40 (e) This section (other than subsection (c)(2)) does not apply to a
 41 zoning ordinance or amendment to a zoning ordinance, or a resolution
 42 approving a comprehensive plan, that is adopted under IC 36-7.



1 (f) An ordinance increasing a building permit fee on new
2 development must:

3 (1) be published:

4 (A) one (1) time in accordance with IC 5-3-1; and

5 (B) not later than thirty (30) days after the ordinance is
6 adopted by the legislative body in accordance with IC 5-3-1;
7 and

8 (2) delay the implementation of the fee increase for ninety (90)
9 days after the date the ordinance is published under subdivision
10 (1).

11 (g) The notice requirements of subsection (c)(2) apply only if the
12 municipal corporation received under IC 13-25-5-8.5(f) written notice
13 that the department is relying on the environmental restrictive
14 ordinance referred to in subsection (c)(2) as part of a risk based
15 remediation proposal:

16 (1) approved by the department; and

17 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or
18 IC 13-25-5.

19 SECTION 59. IC 36-2-15-5, AS AMENDED BY P.L.146-2008,
20 SECTION 693, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 5. (a) The
22 county assessor shall perform the functions assigned by statute to the
23 county assessor, including the following:

24 (1) Countywide equalization.

25 (2) Selection and maintenance of a countywide computer system.

26 (3) Certification of gross assessments to the county auditor.

27 (4) Discovery of omitted property.

28 (5) In:

29 (A) a township in which the transfer of duties of the elected
30 township assessor is required by subsection (c); or

31 (B) a township in which the duties relating to the assessment
32 of tangible property are not required to be performed by a
33 township assessor elected under IC 36-6-5;

34 performance of the assessment duties prescribed by IC 6-1.1.

35 (b) A transfer of duties between assessors does not affect:

36 (1) any assessment, assessment appeal, or other official action
37 made by an assessor before the transfer; or

38 (2) any pending action against, or the rights of any party that may
39 possess a legal claim against, an assessor that is not described in
40 subdivision (1).

41 Any assessment, assessment appeal, or other official action of an
42 assessor made by the assessor within the scope of the assessor's official



1 duties before the transfer is considered as having been made by the
2 assessor to whom the duties are transferred.

3 (c) If:

4 (1) for a particular general election after June 30, 2008, the person
5 elected to the office of township assessor has not attained the
6 certification of a level two assessor-appraiser; or

7 (2) for a particular general election after January 1, ~~2012~~, **2016**,
8 the person elected to the office of township assessor has not
9 attained the certification of a level three assessor-appraiser;

10 as provided in IC 3-8-1-23.6 before the date the term of office begins,
11 the assessment duties prescribed by IC 6-1.1 that would otherwise be
12 performed in the township by the township assessor are transferred to
13 the county assessor on that date. If assessment duties in a township are
14 transferred to the county assessor under this subsection, those
15 assessment duties are transferred back to the township assessor if at a
16 later election a person who has attained the required level of
17 certification referred to in subdivision (1) or (2) is elected to the office
18 of township assessor.

19 (d) If assessment duties in a township are transferred to the county
20 assessor under subsection (c), the office of elected township assessor
21 remains vacant for the period during which the assessment duties
22 prescribed by IC 6-1.1 are transferred to the county assessor.

23 (e) A referendum shall be held under sections 7.4 through 11 of this
24 chapter in each township in which the number of parcels of real
25 property on January 1, 2008, is at least fifteen thousand (15,000) to
26 determine whether to transfer to the county assessor the assessment
27 duties prescribed by IC 6-1.1 that would otherwise be performed by the
28 elected township assessor of the township.

29 SECTION 60. IC 36-4-1.5-2, AS AMENDED BY SEA 24-2014,
30 SECTION 119, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2014]: Sec. 2. A town may be changed into a
32 city through the following:

33 (1) The town legislative body must adopt a resolution submitting
34 to the town's voters the question of whether the town should be
35 changed into a city. The town legislative body shall adopt a
36 resolution described in this subdivision if at least the number of
37 registered voters of the town equal to ten percent (10%) of the
38 total votes cast in the town at the last election for secretary of
39 state sign a petition requesting the town legislative body to adopt
40 such a resolution. In determining the number of signatures
41 required under this subdivision, any fraction that exceeds a whole
42 number shall be disregarded.



1 (2) The town legislative body must adopt the resolution under
 2 subdivision (1) not later than thirty (30) days after the date on
 3 which a petition having a sufficient number of signatures is filed.
 4 A resolution adopted under subdivision (1) must fix the date for
 5 an election on the question of whether the town should be
 6 changed into a city as follows:

7 (A) If the election is to be on the same date as a general
 8 election or municipal election:

9 (i) the resolution must state that fact and be certified in
 10 accordance with IC 3-10-9-3; and

11 (ii) the election must be held on the date of the next general
 12 election or municipal election, whichever is earlier, at which
 13 the question can be placed on the ballot under ~~IC 3-10-9-3~~.
 14 **IC 3-10-9.**

15 (B) If the election is to be a special election, the date must be:

16 (i) not less than ~~thirty (30)~~ **seventy-four (74)** and not more
 17 than ~~sixty (60)~~ **one hundred four (104)** days after the notice
 18 of the election; and

19 (ii) not later than the next general election or municipal
 20 election, whichever is earlier, at which the question can be
 21 placed on the ballot under ~~IC 3-10-9-3~~. **IC 3-10-9.**

22 (3) The town legislative body shall file a copy of the resolution
 23 adopted under subdivision (1) with the circuit court clerk of each
 24 county in which the town is located. The circuit court clerk shall
 25 immediately certify the resolution to the county election board.

26 (4) The county election board shall give notice of the election in
 27 the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the
 28 election.

29 (5) The question described in subdivision (1) shall be placed on
 30 the ballot in the form prescribed by IC 3-10-9-4. The text of the
 31 question shall be: "Shall the town of _____ change into a
 32 city?".

33 (6) If a majority of the voters voting on the question described in
 34 subdivision (1) vote "yes", the town is changed into a city as
 35 provided in this chapter. If a majority of the voters voting on the
 36 question vote "no", the town remains a town.

37 SECTION 61. IC 36-5-1-8, AS AMENDED BY P.L.147-2013,
 38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2014]: Sec. 8. (a) The county executive may approve a
 40 petition for incorporation only if it finds all of the following:

41 (1) That the proposed town is used or will, in the reasonably
 42 foreseeable future, be used generally for commercial, industrial,



- 1 residential, or similar purposes.
- 2 (2) That the proposed town is reasonably compact and contiguous.
- 3 (3) That the proposed town includes enough territory to allow for
- 4 reasonable growth in the foreseeable future.
- 5 (4) That a substantial majority of the property owners in the
- 6 proposed town have agreed that at least six (6) of the following
- 7 municipal services should be provided on an adequate basis:
- 8 (A) Police protection.
- 9 (B) Fire protection.
- 10 (C) Street construction, maintenance, and lighting.
- 11 (D) Sanitary sewers.
- 12 (E) Storm sewers.
- 13 (F) Health protection.
- 14 (G) Parks and recreation.
- 15 (H) Schools and education.
- 16 (I) Planning, zoning, and subdivision control.
- 17 (J) One (1) or more utility services.
- 18 (K) Stream pollution control or water conservation.
- 19 (5) That the proposed town could finance the proposed municipal
- 20 services with a reasonable tax rate, using the current assessed
- 21 valuation of properties as a basis for calculation.
- 22 (6) That incorporation is in the best interest of the territory
- 23 involved. This finding must include a consideration of:
- 24 (A) the expected growth and governmental needs of the area
- 25 surrounding the proposed town;
- 26 (B) the extent to which another unit can more adequately and
- 27 economically provide essential services and functions; and
- 28 (C) the extent to which the incorporators are willing to enter
- 29 into agreements under IC 36-1-7 with the largest neighboring
- 30 municipality, if that municipality has proposed such
- 31 agreements.
- 32 (b) If the county executive determines that the petition satisfies the
- 33 requirements set forth in subsection (a), the county executive may do
- 34 any of the following:
- 35 (1) Adopt an ordinance under section 10.1 of this chapter
- 36 incorporating the town.
- 37 (2) Deny the petition.
- 38 (3) Adopt a resolution to place a public question concerning the
- 39 incorporation on the ballot at an election. The county executive
- 40 shall request a date for the election as follows:
- 41 (A) If the county executive requests the public question be on
- 42 the same date as a general election or primary election:



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

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

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

14 (i) at least ~~thirty (30)~~ **seventy-four (74)** and not more than
 15 ~~sixty (60)~~ **one hundred four (104)** days after the notice of
 16 the election is filed under IC 3-10-8-4; and

17 (ii) not later than the next general election or primary
 18 election, whichever is earlier, at which the question can be
 19 placed on the ballot under IC 3-10-9-3.

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

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

30 "Shall (insert a description of the territorial boundaries) be
 31 incorporated as a town?"

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

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

38 (1) A description of the boundaries of the proposed town and the
 39 quantity of land contained in the territory of the proposed town.

40 (2) The information provided under section 3(3) through 3(6) of
 41 this chapter.

42 (3) The name, telephone number, and electronic mail address (if



1 available) of the contact person for the petitioners.

2 (4) A statement that the petition is available for inspection and
3 copying in the office of the circuit court clerk of each county
4 where the proposed town is located.

5 The petitioners shall submit proof of publication of the notice to the
6 circuit court clerk of each county in which the proposed town is
7 located. A defect in the form of the notice does not invalidate the
8 petition.

9 (e) If a majority of the voters residing within the territory of the
10 proposed town:

11 (1) vote "no" on the public question, the territory is not
12 incorporated as a town, and a new petition for incorporation may
13 not be filed within the period set forth in section 9 of this chapter;
14 or

15 (2) vote "yes" on the public question, the county executive of each
16 county in which the proposed town is located shall adopt an
17 ordinance under section 10.1 of this chapter.

18 (f) The circuit court clerk shall certify the results of a public
19 question under this section to the following:

20 (1) The county executive of each county in which the proposed
21 incorporated territory is located.

22 (2) The county auditor of each county in which the proposed
23 incorporated territory is located.

24 (3) The department of local government finance.

25 (4) The department of state revenue.

26 (5) The state board of accounts.

27 **(6) The office of the secretary of state.**

28 **(7) The office of census data established by IC 2-5-1.1-12.2.**

29 SECTION 62. IC 36-5-1-20 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section
31 does not apply to a town described by IC 36-5-1-11.5.

32 (b) A town subject to this chapter may be dissolved if the county
33 election board of the county in which the greatest percentage of
34 population of the town is located conducts a public hearing and finds
35 that the town has not elected town officers or had a functioning town
36 government during the preceding ten (10) years.

37 (c) The county election board shall certify the board's findings to the
38 county executive, who may adopt an ordinance or (in a county subject
39 to **IC 36-2-2.5 or** IC 36-2-3.5) issue an order to dissolve the town.

40 SECTION 63. IC 36-9-13-2 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. For purposes of
42 this chapter, the following are considered the governing bodies of their



- 1 respective eligible entities:
- 2 (1) Board of commissioners, for a county not subject to
- 3 **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1.
- 4 (2) County council, for a county subject to **IC 36-2-2.5 or**
- 5 IC 36-2-3.5.
- 6 (3) City-county council, for a consolidated city or county having
- 7 a consolidated city.
- 8 (4) Common council, for a city other than a consolidated city.
- 9 (5) Town council, for a town.
- 10 (6) Trustee and township board, for a civil or school township.
- 11 (7) Board of school trustees, board of school commissioners, or
- 12 school board, for a school corporation.
- 13 (8) Board of trustees, for a health and hospital corporation.
- 14 SECTION 64. IC 36-9-27-5 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a
- 16 county having a consolidated city **or as provided in subsection (d)**,
- 17 the drainage board consists of either:
- 18 (1) the county executive; or
- 19 (2) three (3) or five (5) persons, at least one (1) of whom must be
- 20 a member of the executive, appointed by the executive;
- 21 at the option of the executive. Appointees under subdivision (2) must
- 22 be resident freeholders of the county who are knowledgeable in
- 23 drainage matters. Freeholders appointed to the board serve for terms of
- 24 three (3) years, with their initial appointments made so as to provide for
- 25 staggering of terms on an annual basis. In addition, the county surveyor
- 26 serves on the board as an ex officio, nonvoting member.
- 27 (b) In a county having a consolidated city, the board of public works
- 28 of the consolidated city comprises the drainage board, subject to
- 29 IC 36-3-4-23.
- 30 (c) In a county having a consolidated city, the department of public
- 31 works of the consolidated city has all the powers, duties, and
- 32 responsibilities of the county surveyor under this chapter, subject to
- 33 IC 36-3-4-23.
- 34 **(d) The following apply in a county that is subject to**
- 35 **IC 36-2-2.5:**
- 36 (1) **The drainage board consists of:**
- 37 (A) **the single county executive; and**
- 38 (B) **two (2) or four (4) persons (as determined by the single**
- 39 **county executive) who are appointed by the single county**
- 40 **executive.**
- 41 (2) **Appointees under subdivision (1)(B) must be resident**
- 42 **freeholders of the county who are knowledgeable in drainage**



1 matters.
2 (3) The freeholders appointed to the drainage board serve for
3 terms of three (3) years, with the freeholders' initial
4 appointments made so as to provide for staggering of terms
5 on an annual basis.
6 (4) The county surveyor serves on the drainage board as an ex
7 officio, nonvoting member.
8 (5) The terms of members serving on the drainage board at
9 the time the first single county executive is elected under
10 IC 36-2-2.5 expire on January 1, 2019, and the single county
11 executive shall make the appointments to the board as
12 provided in this subsection.
13 SECTION 65. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1318, 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 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 9. IC 3-8-1-23.6, AS ADDED BY P.L.146-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 23.6. (a) ~~A person who runs in an election after June 30, 2008;~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who runs in an election after June 30, 2008**, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) ~~A person who runs in an election after January 1, 2012;~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who:**

(1) did not hold the office of township assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

(c) **A candidate for the office of township assessor under IC 36-6-5-1 who:**

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office."

Page 7, line 38, strike "(b)(2):" and insert "(c)(4):".

Page 10, line 28, delete "Except for a de minimis change identified as provided in".

Page 10, line 29, delete "subsection (d)".

Page 10, line 29, delete "the" and insert "The".

Page 10, line 36, after "and" insert **"the results of the testing by the independent laboratory under subsection (c) and"**.

Page 10, line 42, after "change" insert **"or a modification;"**.

Page 11, line 1, delete "that", begin a new line block indented and insert:

"(3) if the proposed improvement or change is a modification, whether the modification".

Page 11, line 4, delete "(3)" and insert **"(4)"**.

Page 11, line 22, delete "Except for a de minimis change identified as provided in".



Page 11, line 23, delete "subsection (d)".

Page 11, line 23, delete "the" and insert "The".

Page 11, line 30, after "and" insert **"the results of the testing by the independent laboratory under subsection (c) and"**.

Page 11, line 35, after "change" insert **"or a modification;"**.

Page 11, line 36, delete "that", begin a new line block indented and insert:

"(3) if the proposed improvement or change is a modification, whether the modification".

Page 11, line 39, delete "(3)" and insert "(4)".

Page 20, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 34. IC 36-2-15-5, AS AMENDED BY P.L.146-2008, SECTION 693, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

- (1) Countywide equalization.
- (2) Selection and maintenance of a countywide computer system.
- (3) Certification of gross assessments to the county auditor.
- (4) Discovery of omitted property.
- (5) In:

(A) a township in which the transfer of duties of the elected township assessor is required by subsection (c); or

(B) a township in which the duties relating to the assessment of tangible property are not required to be performed by a township assessor elected under IC 36-6-5;

performance of the assessment duties prescribed by IC 6-1.1.

(b) A transfer of duties between assessors does not affect:

- (1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or
- (2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(c) If:

- (1) for a particular general election after June 30, 2008, the person elected to the office of township assessor has not attained the certification of a level two assessor-appraiser; or
- (2) for a particular general election after January 1, ~~2012~~, **2016**,



the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser; as provided in IC 3-8-1-23.6 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor if at a later election a person who has attained the required level of certification referred to in subdivision (1) or (2) is elected to the office of township assessor.

(d) If assessment duties in a township are transferred to the county assessor under subsection (c), the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor.

(e) A referendum shall be held under sections 7.4 through 11 of this chapter in each township in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000) to determine whether to transfer to the county assessor the assessment duties prescribed by IC 6-1.1 that would otherwise be performed by the elected township assessor of the township."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1318 as introduced.)

SMITH M, Chair

Committee Vote: yeas 8, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1318, 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 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**

(1) board of county commissioners, for a county ~~not having that:~~

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(A) does not have a consolidated city; and
 (B) is not subject to IC 36-2-2.5;
 (2) single county executive elected under IC 3-10-2-13, for a county that:

(A) does not have a consolidated city; and
 (B) is subject to IC 36-2-2.5;
 (2) (3) mayor of the consolidated city, for a county having a consolidated city;
 (3) (4) mayor, for a city;
 (4) (5) president of the town council, for a town; or
 (5) (6) trustee, for a township.

SECTION 3. IC 3-5-2-31.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.7. "Modification", for a certified voting system, refers to a change:

(1) in the software or firmware of the voting system; or
 (2) to the hardware of the voting system that:
 (A) materially alters the system's reliability, functionality, capacity, or operation; or
 (B) has a reasonable and identifiable potential to affect the voting system's operation and compliance with the applicable voting system standards."

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 11. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A candidate for the office of county commissioner must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and
 (2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.

(b) This subsection applies only to elections in a county in which a single county executive under IC 36-2-2.5 is elected under IC 3-10-2-13. A candidate for the office of single county executive must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

SECTION 12. IC 3-8-1-23, AS AMENDED BY P.L.146-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) A candidate for the office of county assessor must:

(1) have resided in the county for at least one (1) year before the



election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana;

(2) own real property located in the county upon taking office; and

(3) fulfill the requirements of subsections (b) through (d), as applicable.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

(c) A candidate for the office of county assessor who:

(1) did not hold the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2012;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 **before taking office.**

(d) A candidate for the office of county assessor who:

(1) held the office of county assessor on January 1, 2012; and

(2) runs in an election after January 1, 2016;

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 **before taking office.**"

Page 6, line 4, delete "P.L.194-2013," and insert "SEA 24-2014, SECTION 3,".

Page 6, line 5, delete "SECTION 15,".

Page 10, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 22. IC 3-10-1-18, AS AMENDED BY P.L.221-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Except as provided by subsection (b), the names of all candidates for each office who have qualified under IC 3-8 shall be arranged in alphabetical order by surnames under the designation of the office.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The names of all candidates for each office who have qualified under IC 3-8, except for a school board office, precinct committeeman, or state convention delegate, shall be arranged in random order by surnames under the designation of the office. The random order shall be determined using a lottery. The lottery held in accordance with this subsection shall be conducted in public by the county election board. The lottery shall be held not later than fifteen (15) days following the last day for a declaration of candidacy under IC 3-8-2-4. All candidates whose names are to be arranged by way of the lottery shall be notified at least five (5) days prior to the lottery of



the time and place at which the lottery is to be held. Each candidate may have one (1) designated watcher, and each county political party may have one (1) designated watcher who shall be allowed to observe the lottery procedure.

(c) For paper ballots, the left margin of the ballot for each political party must show the name of the uppermost candidate printed to the right of the number 1, the next candidate number 2, the next candidate number 3, and so on, consecutively to the end of the ballot as prescribed in section 19 of this chapter. **The same order shall be followed for the printing of ballot labels and their placement on If ordered by a county election board or a board of elections and registration under IC 3-11-15-13.1(b), a ballot number or other candidate designation uniquely associated with the candidate must be displayed on the electronic voting system and for the printing of printed on the ballot cards.**

(d) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). If there is insufficient room on a row to list each candidate of a political party, a second or subsequent row may be utilized. However, a second or subsequent row may not be utilized unless the first row, and all preceding rows, have been filled.

SECTION 23. IC 3-10-1-19, AS AMENDED BY P.L.6-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

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

Vote for one (1) only

Representative in Congress

(1) AB _____

(2) CD _____

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(3) EF _____

(4) GH _____

(b) Local public questions shall be placed on the primary election ballot after the voting instructions described in subsection (a) and before the offices described in subsection (e).

(c) The local public questions described in subsection (b) shall be placed:

- (1) in a separate column on the ballot if voting is by paper ballot;
- (2) after the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-13-11 if voting is by ballot card; or
- (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 voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-14-3.5.

(d) 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

(e) 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. **This clause applies only to a county that is not subject to IC 36-2-2.5.**
 - (I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.**
 - ⊕ **(J) 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.

(f) 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 (e):

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

(g) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (f).

(h) The offices described in subsection (g) shall be placed:

- (1) in a separate column on the ballot if voting is by paper ballot;
- (2) after the offices described in subsection (f) in the form



specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

- (A) on a separate screen for each office or public question; or
- (B) after the offices described in subsection (f) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 24. IC 3-10-2-13, AS AMENDED BY P.L.146-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner. **This subdivision applies only to a county that is not subject to IC 36-2-2.5.**
- (10) Single county executive. This subdivision applies only to a county that is subject to IC 36-2-2.5.**
- ~~(11)~~ (11) County council member.
- ~~(12)~~ (12) Township trustee.
- ~~(13)~~ (13) Township board member.
- ~~(14)~~ (14) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- ~~(15)~~ (15) Judge of a small claims court.
- ~~(16)~~ (16) Constable of a small claims court.

SECTION 25. IC 3-11-2-12, AS AMENDED BY P.L.6-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.



- (G) Attorney general.
- (H) Superintendent of public instruction.
- (I) 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) Clerk of the circuit court.
- (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. **This clause applies only to a county that is not subject to IC 36-2-2.5.**
 - (I) **Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.**
 - (J) 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.

SECTION 26. IC 3-11-3-29.4, AS ADDED BY P.L.194-2013, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29.4. (a) This section applies to a candidate who has filed with a circuit court clerk or board of elections and registration as a candidate for:

- (1) nomination in a primary election or municipal primary election; **or**
- (2) **election to a political party office in a primary election.**

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

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

(d) A voter who has cast a ballot containing the name of a deceased candidate is entitled to request a replacement absentee ballot under IC 3-11-10-1.5.

(e) Any vote cast for a deceased candidate in the primary election is void."

Page 10, line 40, delete "JULY 1, 2014]:" and insert "UPON PASSAGE]:".

Page 11, line 37, delete "JULY 1, 2014]:" and insert "UPON PASSAGE]:".

Page 19, line 2, strike "the deadline for".

Page 19, line 3, strike "counting provisional ballots under IC 3-11.7-5-1." and insert "**noon ten (10) days following the election.**".

Page 20, between lines 7 and 8, begin a new paragraph and insert: "SECTION 42. IC 13-11-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive" means the:

- (1) board of commissioners of a county ~~not having that:~~
 - (A) **does not have** a consolidated city; **and**
 - (B) **is not subject to IC 36-2-2.5;**
- (2) **single county executive elected under IC 3-10-2-13, for a county that:**
 - (A) **does not have a consolidated city; and**



(B) is subject to IC 36-2-2.5;

- (2) (3) mayor of the consolidated city, for a county having a consolidated city;
- (3) (4) mayor of a city; or
- (4) (5) president of the town council of a town.

SECTION 43. IC 20-24-2.3-2, AS ADDED BY P.L.280-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "executive" has the meaning set forth in ~~IC 36-1-2-5(2)~~. **IC 36-1-2-5(3)**."

Page 20, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 45. IC 33-42-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following may subscribe and administer oaths and take acknowledgments of all documents pertaining to all matters where an oath is required:

- (1) Notaries public.
- (2) An official court reporter acting under IC 33-41-1-6.**
- (2) (3) Justices and judges of courts, in their respective jurisdictions.
- (3) (4) The secretary of state.
- (4) (5) The clerk of the supreme court.
- (5) (6) Mayors, clerks, clerk-treasurers of towns and cities, and township trustees, in their respective towns, cities, and townships.
- (6) (7) Clerks of circuit courts and master commissioners, in their respective counties.
- (7) (8) Judges of United States district courts of Indiana, in their respective jurisdictions.
- (8) (9) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.
- (9) (10) A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.
- (10) (11) A member of the Indiana election commission, a co-director of the election division, or an employee of the election division under IC 3-6-4.2.
- (11) (12) County auditors, in their respective counties.
- (12) (13) Any member of the general assembly anywhere in Indiana.

SECTION 46. IC 35-51-36-1, AS AMENDED BY P.L.132-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following statutes define crimes in IC 36:

- IC 36-2-2-13 (Concerning county government).

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IC 36-2-2.5-15 (Concerning single county executives).

IC 36-2-6-8 (Concerning county government).
 IC 36-2-6-12 (Concerning county government).
 IC 36-2-7-18 (Concerning county government).
 IC 36-2-8-6 (Concerning county government).
 IC 36-2-9-13 (Concerning county government).
 IC 36-2-9-14 (Concerning county government).
 IC 36-2-9.5-7 (Concerning county government).
 IC 36-2-9.5-9 (Concerning county government).
 IC 36-2-13-5 (Concerning county government).
 IC 36-2-14-10 (Concerning county government).
 IC 36-2-14-17 (Concerning county government).
 IC 36-2-14-21 (Concerning county government).
 IC 36-4-8-13 (Concerning government of cities and towns).
 IC 36-7-12-27.5 (Concerning planning and development).
 IC 36-7-14-40 (Concerning planning and development).
 IC 36-7-15.1-27 (Concerning planning and development).
 IC 36-7-30-28 (Concerning planning and development).
 IC 36-7-30.5-36 (Concerning planning and development).
 IC 36-8-3.5-23 (Concerning public safety).
 IC 36-8-10-9 (Concerning public safety).
 IC 36-8-16.7-41 (Concerning public safety).
 IC 36-8-16.7-45 (Concerning public safety).
 IC 36-8-16.7-46 (Concerning public safety).
 IC 36-9-14-7 (Concerning transportation and public works).
 IC 36-10-3-39 (Concerning recreation, culture, and community facilities).
 IC 36-10-4-5 (Concerning recreation, culture, and community facilities).
 IC 36-10-4-40 (Concerning recreation, culture, and community facilities).

SECTION 47. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive" means **the:**

- (1) board of commissioners, for a county **not having that:**
 - (A) **does not have** a consolidated city; **and**
 - (B) **is not subject to IC 36-2-2.5;**
- (2) **single county executive elected under IC 3-10-2-13, for a county that:**
 - (A) **does not have a consolidated city; and**
 - (B) **is subject to IC 36-2-2.5;**
- (~~2~~) (3) mayor of the consolidated city, for a county having a



consolidated city;

~~(3)~~ **(4)** mayor, for a city;

~~(4)~~ **(5)** president of the town council, for a town;

~~(5)~~ **(6)** trustee, for a township;

~~(6)~~ **(7)** superintendent, for a school corporation; or

~~(7)~~ **(8)** chief executive officer, for any other political subdivision.

SECTION 48. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. "Legislative body" means the:

(1) board of county commissioners, for a county not subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1;

(2) county council, for a county subject to **IC 36-2-2.5** or IC 36-2-3.5;

(3) city-county council, for a consolidated city or county having a consolidated city;

(4) common council, for a city other than a consolidated city;

(5) town council, for a town;

(6) township board, for a township;

(7) governing body of any other political subdivision that has a governing body; or

(8) chief executive officer of any other political subdivision that does not have a governing body.

SECTION 49. IC 36-1-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. "Works board" means **the**:

(1) board of commissioners, for a county:

(A) not having a consolidated city; **and**

(B) not subject to **IC 36-2-2.5**;

(2) single county executive for a county:

(A) not having a consolidated city; **and**

(B) subject to **IC 36-2-2.5**;

~~(2)~~ **(3)** board of public works or board of public works and safety, for a city; or

~~(3)~~ **(4)** town council, for a town.

SECTION 50. IC 36-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either:

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- (1) if the unit is a county or municipality, adopt an ordinance prescribing a specific manner for exercising the power;
- (2) if the unit is a township, adopt a resolution prescribing a specific manner for exercising the power; or
- (3) comply with a statutory provision permitting a specific manner for exercising the power.

(c) An ordinance under subsection (b)(1) must be adopted as follows:

- (1) In a municipality, by the legislative body of the municipality.
- (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1, by the legislative body of the county.
- (3) In any other county, by the executive of the county.

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township.

SECTION 51. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as specifically provided**, this chapter applies to all counties **not does not apply to the following**:

- (1) A county having a consolidated city.
- (2) A county in which a single county executive has been elected and is serving under **IC 36-2-2.5**.

SECTION 52. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.4. Determination of County Government Structure

Sec. 1. This chapter applies only to a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

Sec. 2. A public question shall be held in the county on whether the executive and legislative structure and functions of the county should be reorganized under IC 36-2-2.5.

Sec. 3. The county election board shall place the following public question on the ballot at the general election held in November 2014:

"Shall the county government of (insert the name of the county) County be reorganized to place all executive powers in a single county executive and to place all legislative and fiscal powers in the county council?"

Sec. 4. IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter. A public question under this chapter must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance



with IC 3-10-9.

Sec. 5. If a majority of the voters of a county who vote on a public question placed on the ballot under this chapter vote in favor of the public question, the executive and legislative structure and functions of the county shall be reorganized under IC 36-2-2.5.

SECTION 53. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Single County Executive

Sec. 1. Except as specifically provided by law, this chapter applies only to a county:

- (1) that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and
- (2) in which a public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

Sec. 2. As used in this chapter, "single county executive" means the single county executive elected under IC 3-10-2-13.

Sec. 3. In a county to which this chapter applies:

- (1) the voters of the county:
 - (A) shall elect one (1) single county executive in the 2018 general election and every four (4) years thereafter; and
 - (B) beginning with the 2018 general election, shall not elect a board of county commissioners;
- (2) the board of county commissioners for the county is abolished January 1, 2019;
- (3) notwithstanding IC 36-2-2-3, the term of each county commissioner serving on December 31, 2018, expires January 1, 2019;
- (4) the county council shall divide the county into nine (9) contiguous, single-member county council districts as required by IC 36-2-3-4.1; and
- (5) beginning January 1, 2019, the county council must consist of nine (9) members elected from single-member county council districts.

Sec. 4. (a) The term of office of a single county executive is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(b) To be eligible for election as the single county executive, an individual must meet the qualifications under IC 3-8-1-21. If an individual does not remain a resident of the county after taking



office as the single county executive, the individual forfeits the office. The county legislative body shall declare the office vacant whenever the single county executive forfeits the office under this subsection.

(c) If the office of single county executive becomes vacant, the county council shall appoint an individual to serve as the single county executive until the office is filled under IC 3-13.

Sec. 5. (a) On January 1, 2019, all property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the board of county commissioners of a county are transferred to or assumed by the single county executive.

(b) The abolishment of the board of county commissioners of a county on January 1, 2019, does not invalidate any:

- (1) ordinances, resolutions, fees, schedules, or other actions adopted or taken by the board of county commissioners before the board is abolished; or
- (2) appointments made by the board of county commissioners before the board is abolished.

Sec. 6. (a) Notwithstanding any other provision, a single county executive has the power to make any appointments that the board of county commissioners made before the board was abolished.

(b) All powers and duties of the county that are executive or administrative in nature (including any power of appointment related to executive or administrative functions) shall be exercised or performed by the single county executive, except to the extent that these powers and duties are expressly assigned by law to another elected or appointed officer. The single county executive shall transact the business of the county in the name of the county.

(c) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

- (1) the Indiana Code;
- (2) the Indiana Administrative Code;
- (3) an ordinance or resolution; or
- (4) any deed, lease, contract, or other official document or instrument;

to the board of county commissioners pertaining to the executive powers of a county shall be considered a reference to the single county executive of the county.

(d) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

- (1) the Indiana Code;
- (2) the Indiana Administrative Code;



- (3) an ordinance or resolution; or**
- (4) any deed, lease, contract, or other official document or instrument;**

related to the executive powers and duties of the board of county commissioners shall be considered a reference to the powers and duties of the single county executive of the county.

(e) For purposes of a county subject to this chapter, after December 31, 2018, the county council has the legislative and fiscal powers and duties of the county under IC 36-2-3.7.

Sec. 7. The single county executive shall do the following:

- (1) Report on the condition of the county before March 1 of each year to the county legislative body and to the county residents.**
- (2) Recommend before March 1 of each year to the county legislative body any action or program the single county executive considers necessary for the improvement of the county and the welfare of county residents.**
- (3) Submit to the county legislative body an annual budget in accordance with IC 36-2-5.**
- (4) Establish procedures to be followed by all county departments, offices, and agencies under the single county executive's jurisdiction to the extent these procedures are not expressly assigned by law to another elected or appointed officer.**
- (5) Administer all statutes, ordinances, and regulations applicable to the county, to the extent the administration of these matters is not expressly assigned by law to another elected or appointed officer.**
- (6) Supervise the care and custody of all county property.**
- (7) Supervise the collection of revenues, control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned by law to another elected or appointed officer.**
- (8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report on and make recommendations concerning the services, finances, and programs to the county legislative body by March 15 of each year.**
- (9) Negotiate contracts for the county.**
- (10) Make recommendations concerning the nature and location of county improvements, and provide for the**



execution of those improvements.

(11) Supervise county administrative offices, except for the offices of elected officers.

(12) Do the following in January of each year:

(A) Make a settlement with the county treasurer for the preceding calendar year, and include a copy of the settlement sheet in the order book of the single county executive.

(B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The single county executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

(13) Perform other duties and functions that are assigned to the single county executive by statute or ordinance.

Sec. 8. The single county executive may do any of the following:

(1) Order any department, office, or agency under the single county executive's jurisdiction to undertake any task for another department, office, or agency under the single county executive's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.

(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.

(3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.

(4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.

(5) Make orders concerning county property, including orders for:

(A) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and

(B) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of one thousand dollars (\$1,000) or more must be authorized by an ordinance of the county legislative body fixing the terms and conditions of the transaction.

Sec. 9. (a) The single county executive shall establish and



maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, and the county surveyor.

(b) Offices for the county surveyor must be in the courthouse or at the county seat.

(c) Offices for the county sheriff may be located:

- (1) in the courthouse;
- (2) inside the corporate limits of the county seat; or
- (3) outside the corporate limits of the county seat but within the limits of the county.

Sec. 10. (a) The single county executive may grant licenses, permits, or franchises for the use of county property if the licenses, permits, or franchises:

- (1) are not exclusive;
- (2) are of a definite duration; and
- (3) are assignable only with the consent of the single county executive.

(b) If a public utility or municipally owned or operated utility that carries on business outside the corporate boundaries of municipalities in the county is engaged in an activity substantially similar to that for which a license, permit, or franchise for the use of county property is sought, the single county executive may grant the license, permit, or franchise only with the consent of the Indiana utility regulatory commission. The commission may give its consent only if the commission determines, after a public hearing of all interested parties, that public necessity and convenience require the substantially similar activity.

(c) The provisions of this section that concern securing the consent of the Indiana utility regulatory commission do not apply to municipally owned or operated utilities.

Sec. 11. Notwithstanding any other law, if a statute requires a county executive to take an executive action by ordinance or resolution, a single county executive shall instead take the action by issuing an executive order.

Sec. 12. (a) If the single county executive is disqualified from acting in a quasi-judicial proceeding, the single county executive shall cease to act in that proceeding. Not later than ten (10) days after the finding that the single county executive is disqualified to act in a proceeding, the county auditor shall send a certified copy of the record of the proceeding to the judge of the circuit court for the county. If the judge affirms the disqualification of the single county executive, the judge shall appoint a disinterested and



competent person to serve as a special executive in the proceeding.

(b) A person who consents to serve as a special executive must have the same qualifications as an elected single county executive. The person's appointment and oath shall be filed with the county auditor and entered on the records of the single county executive. A person appointed as a special executive may conduct the proceeding until a final determination is reached.

Sec. 13. The single county executive shall keep the single county executive's office open on each business day.

Sec. 14. Appointments made by the single county executive under section 6(a) of this chapter shall be attested to by the county auditor, under the seal of the single county executive.

Sec. 15. (a) The single county executive may employ a person:

(1) to perform a duty required of a county officer by statute; or

(2) on a commission or percentage basis;

only if the employment is expressly authorized by statute or is found by the single county executive to be necessary to the public interest.

(b) If a person's employment under subsection (a) is not expressly authorized by statute, the contract for the person's employment must be filed with the circuit court for the county, and the person must file the person's claims for compensation with that court. Any taxpayer may contest a claim under this section.

(c) A single county executive who knowingly, intentionally, or recklessly violates this section commits a Class C misdemeanor and forfeits the single county executive's office.

Sec. 16. (a) If a party to a proceeding before the single county executive is aggrieved by a decision of the single county executive, the party may appeal that decision to the circuit court for the county.

(b) A person who is not a party to a proceeding before the single county executive may appeal a decision of the single county executive only if the person files with the county auditor an affidavit:

(1) specifically setting forth the person's interest in the matter decided; and

(2) alleging that the person is aggrieved by the decision of the single county executive.

(c) An appeal under this section must be taken not later than thirty (30) days after the single county executive makes the decision by which the appellant is aggrieved.



(d) An appellant under this section must file with the county auditor a bond conditioned on due prosecution of the appeal. The bond is subject to approval by the county auditor and must be in an amount sufficient to provide security for court costs.

(e) Not later than twenty (20) days after the county auditor receives the appeal bond, the county auditor shall prepare a complete transcript of the proceedings of the single county executive related to the decision appealed from and shall deliver the transcript, all documents filed during the proceedings, and the appeal bond to the clerk of the circuit court.

Sec. 17. (a) An appeal under section 16 of this chapter shall be docketed among the other causes pending in the circuit court and shall be tried as an original cause.

(b) A court may decide an appeal under section 16 of this chapter by:

- (1) affirming the decision of the single county executive; or
- (2) remanding the cause to the single county executive with directions as to how to proceed;

and may require the single county executive to comply with this decision.

Sec. 18. (a) The county auditor or the single county executive may administer any oaths required by this chapter.

(b) The sheriff or a county police officer shall attend any meeting with the single county executive at the request of the single county executive.

Sec. 19. (a) Appointments made by the single county executive shall be certified by the county auditor, under the seal of the single county executive.

(b) If a copy of the single county executive's proceedings has been signed and sealed by the county auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the single county executive's proceedings.

Sec. 20. (a) The single county executive may employ and fix the compensation of an attorney to represent and advise the executive.

(b) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, employment by a single county executive as an attorney does not constitute a lucrative office.

SECTION 54. IC 36-2-2.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.7. Reversion to Previous County Government Structure



Sec. 1. This chapter applies only to a county that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

Sec. 2. As used in this chapter, "single county executive" means the single county executive elected under IC 3-10-2-13.

Sec. 3. A county that elects a single county executive under IC 36-2-2.5 may, as provided in this chapter, revert to a county government structure that has a board of county commissioners rather than a single county executive.

Sec. 4. (a) Subject to subsection (b), the county council may adopt an ordinance providing that the voters of the county shall elect:

- (1) a three (3) member board of county commissioners that has the executive and legislative powers and duties of the county; and
- (2) a county council that has the fiscal powers and duties of the county.

(b) An ordinance described in subsection (a) may be adopted under this chapter only:

- (1) during an odd-numbered year; or
- (2) before July 1 of an even-numbered year.

(c) If an ordinance is adopted under this section:

- (1) the county auditor shall certify the adoption of the ordinance to the county election board; and
- (2) a vote on a public question shall be held in the county under section 5 of this chapter on whether the executive and legislative structure and functions of the county should be reorganized under section 6 of this chapter.

Sec. 5. (a) If an ordinance is certified under section 4 of this chapter, the county election board shall place the following public question on the ballot at the next general election held in the county after the ordinance is certified:

"Shall the county government of (insert the name of the county) County be reorganized to elect a board of county commissioners rather than a single county executive?".

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

(c) If a majority of the voters of a county who vote on a public question placed on the ballot under this section vote in favor of the



public question, the executive and legislative structure and functions of the county shall be reorganized under section 6 of this chapter.

Sec. 6. The following apply if a majority of the voters of a county who vote on a public question placed on the ballot under section 5 of this chapter vote in favor of the public question:

(1) The executive, the executive and legislative structure, and the functions of the county are reorganized as provided in this section.

(2) The voters of the county shall elect:

(A) a three (3) member board of county commissioners that has the executive and legislative powers and duties of the county; and

(B) a county council that has the fiscal powers and duties of the county.

(3) The office of the board of county commissioners shall be placed on the primary election ballot for the county in the year of the second general election after the public question is approved. The office of single county executive shall not be placed on the primary election ballot for the county in the year of the second general election after the public question is approved.

(4) The office of the board of county commissioners shall be placed on the general election ballot for the county at the second general election after the public question is approved and, except as provided in subdivision (6) to provide for staggered terms, every four (4) years thereafter. Beginning with the second general election after the public question is approved, the county shall not elect a single county executive.

(5) On January 1 in the year following the year that the board of county commissioners is elected under this chapter, the following occur:

(A) The office of single county executive is abolished, and the term of the single county executive expires.

(B) The county is not subject to IC 36-2-2.5 and IC 36-2-3.7.

(C) The county executive is the board of county commissioners elected under IC 36-2-2. The board of county commissioners has all powers that are executive or administrative in nature.

(D) The county legislative body is the board of county commissioners, and all powers that are legislative in nature



are transferred from the county fiscal body to the board of county commissioners.

(E) The county council is the county fiscal body.

(F) All property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the single county executive are transferred to or assumed by the board of county commissioners.

(6) Notwithstanding IC 36-2-2-3, to provide for staggered terms of the members of the board of county commissioners elected after the structure and functions of the county are reorganized under this chapter, the county council may, before the primary election described in subdivision (3), adopt an ordinance specifying which of the three (3) board of county commissioner members to be elected at the second general election after the public question is approved shall serve an initial term of two (2) years rather than four (4) years.

(7) The abolishment of the office of the single county executive on January 1 following the year in which the board of county commissioners is elected does not invalidate:

(A) any resolutions, fees, schedules, or other actions adopted or taken by the single county executive before the office is abolished; or

(B) any appointments made by the single county executive before the office is abolished.

(8) Effective with the second general election after the public question is approved under section 5 of this chapter, the county council shall be elected with four (4) single-member county council districts and three (3) at-large members under IC 36-2-3-4. The county council shall divide the county into the four (4) contiguous, single-member county council districts in the manner specified in IC 36-2-3-4. The terms of all county council members serving at the time of the second general election after the public question is approved under section 5 of this chapter expire January 1 following the election. Notwithstanding any other law, to provide for staggered terms of the members of the county council, the county council may, before the primary election preceding the general election at which county council members will be elected as provided in this subdivision, adopt an ordinance specifying which of the members of the county council to be elected at the second general election after the public question is approved shall serve an initial term of two (2) years rather



than four (4) years.

SECTION 55. IC 36-2-3-4, AS AMENDED BY P.L.271-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

Except as provided in section 4.1 of this chapter, the county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the fiscal body shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
 - (2) not cross precinct boundary lines;
 - (3) contain, as nearly as possible, equal population; and
 - (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.
- (e) Except as provided by subsection (g), a division under



subsection (a), (b), or (c) shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e). **In a county in which a public question is approved under IC 36-2-2.7-5, a division under subsection (a) shall be made by the county council during the year before county council members will be elected under IC 36-2-2.7-6(8).**

(g) This subsection applies during the first year after a year in which a federal decennial census is conducted. If the county executive, county redistricting commission, or county fiscal body determines that a division under subsection (e) is not required, the county executive, county redistricting commission, or county fiscal body shall adopt an ordinance recertifying that the districts as drawn comply with this section.

(h) Each time there is a division under subsection (e) or (f) or a recertification under subsection (g), the county executive, county redistricting commission, or county fiscal body shall file with the circuit court clerk of the county, not later than thirty (30) days after the division or recertification occurs, a map of the district boundaries:

- (1) adopted under subsection (e) or (f); or
- (2) recertified under subsection (g).

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

(j) If a conflict exists between:

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

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

SECTION 56. IC 36-2-3-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: **Sec. 4.1. (a) This section applies only to a county:**

(1) that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and

(2) in which a public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

(b) Effective for the 2018 general election, the county fiscal body shall by ordinance divide the county into nine (9) contiguous, single-member districts that comply with subsection (c). One (1) member of the fiscal body shall be elected by the voters of each of the nine (9) districts.

(c) Single-member districts established under subsection (b) must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population;

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section;

(5) consider how communities of interest within the county can best be represented; and

(6) be drawn so as to provide at least one (1) representative to each distinct community of interest to the extent practicable and not inconsistent with other applicable law.

(d) A division under subsection (b) shall be made:

(1) effective for the 2018 general election; and

(2) whenever the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(e) After a division is initially made under subsection (b), another division may be made in any odd-numbered year not described in subsection (d).

SECTION 57. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.7. County Council as the County Legislative Body

Sec. 1. Except as specifically provided by law, this chapter applies only to a county:

(1) having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and



(2) in which a public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

Sec. 2. As used in this chapter, "single county executive" means the single county executive elected under IC 3-10-2-13.

Sec. 3. (a) In a county to which this chapter applies:

(1) the voters of the county shall continue to elect members of the county council;

(2) beginning on January 1, 2019:

(A) the executive and legislative powers of the county are divided between separate branches of county government, and a power belonging to one (1) branch of county government may not be exercised by the other branch of county government;

(B) the county council is the county legislative body as well as the county fiscal body; and

(C) the single county executive is the county executive of the county and has the executive and administrative powers and duties of the county as provided in IC 36-2-2.5; and

(3) the county council must consist of nine (9) members elected by the voters of each of the nine (9) districts.

(b) The following apply in a county to which this chapter applies:

(1) Nine (9) county council members shall be elected at the 2018 general election.

(2) The terms of all county council members serving on December 31, 2018, expire January 1, 2019.

(3) Notwithstanding any other law, to provide for staggered terms of the members of the county council, the county council may, before the 2018 primary election, adopt an ordinance specifying which of the nine (9) members of the county council to be elected at the 2018 general election shall serve an initial term of two (2) years rather than four (4) years.

Sec. 4. (a) All powers and duties of the county that are legislative in nature, including any power of appointment related to legislative functions, shall be exercised or performed by the county council functioning as the county legislative body.

(b) The county council has the same legislative powers and duties that the board of county commissioners in the county had before the board of county commissioners was abolished.



(c) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

- (1) the Indiana Code;
- (2) the Indiana Administrative Code;
- (3) an ordinance or resolution; or
- (4) any deed, lease, contract, or other official document or instrument;

to the board of county commissioners pertaining to the legislative powers of a county shall be considered a reference to the county council of the county.

(d) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

- (1) the Indiana Code;
- (2) the Indiana Administrative Code;
- (3) an ordinance or resolution; or
- (4) any deed, lease, contract, or other official document or instrument;

related to the legislative powers and duties of the board of county commissioners shall be considered a reference to the powers and duties of the county council of the county.

Sec. 5. The county council may do any of the following:

- (1) Establish committees that are necessary to carry out the county council's functions.
- (2) Employ legal and administrative personnel necessary to carry out the county council's functions.
- (3) Pass all ordinances, orders, resolutions, and motions for the government of the county, in the manner prescribed by IC 36-2-4.
- (4) Receive gifts, bequests, and grants from public or private sources.
- (5) Conduct investigations into the conduct of county business for the purpose of correcting deficiencies and ensuring adherence to law and county ordinances and policies.
- (6) Establish, by ordinance, new county departments, divisions, or agencies whenever necessary to promote efficient county government.

SECTION 58. IC 36-2-4-8, AS AMENDED BY P.L.159-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.



(b) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published once each week for two (2) consecutive weeks, according to IC 5-3-1. However, if such an ordinance is adopted by the legislative body of a county subject to **IC 36-2-2.5 or IC 36-2-3.5** and there is an urgent necessity requiring its immediate effectiveness, it need not be published if:

- (1) the county executive proclaims the urgent necessity; and
- (2) copies of the ordinance are posted in three (3) public places in each of the districts of the county before it takes effect.

(c) The following apply in addition to the other requirements of this section:

(1) An ordinance or resolution passed by the legislative body of a county subject to **IC 36-2-2.5 or IC 36-2-3.5** is considered adopted only if it is:

(A) approved by signature of a majority of the county executive **(in the case of a county subject to IC 36-2-3.5) or by signature of the single county executive (in the case of a county subject to IC 36-2-2.5);**

(B) neither approved nor vetoed by a majority of the executive **(in the case of a county subject to IC 36-2-3.5) or by the single county executive (in the case of a county subject to IC 36-2-2.5)**, within ten (10) days after passage by the legislative body; or

(C) passed over the veto of the executive by a two-thirds (2/3) vote of the legislative body, within sixty (60) days after presentation of the ordinance or resolution to the executive.

(2) Subject to subsection (g), the legislative body of a county shall:

(A) subject to subdivision (3), give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and

(B) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

(3) Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subdivision (2)(A).

(4) An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subdivision (2).



(5) The failure of an environmental restrictive ordinance to comply with subdivision (4) does not void the ordinance.

(d) After an ordinance or resolution passed by the legislative body of a county subject to **IC 36-2-2.5** or IC 36-2-3.5 has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:

(1) approve the ordinance or resolution, by signature of a majority of the executive **(in the case of a county subject to IC 36-2-3.5) or by signature of the single county executive (in the case of a county subject to IC 36-2-2.5)**, and send the legislative body a message announcing its approval; or

(2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

(e) This section (other than subsection (c)(2)) does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(f) An ordinance increasing a building permit fee on new development must:

(1) be published:

(A) one (1) time in accordance with IC 5-3-1; and

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

(g) The notice requirements of subsection (c)(2) apply only if the municipal corporation received under IC 13-25-5-8.5(f) written notice that the department is relying on the environmental restrictive ordinance referred to in subsection (c)(2) as part of a risk based remediation proposal:

(1) approved by the department; and

(2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5."

Page 22, line 4, delete "P.L.202-2013," and insert "SEA 24-2014, SECTION 119,".

Page 22, line 5, delete "SECTION 29,".

Page 26, between lines 3 and 4, begin a new paragraph and insert: "SECTION 62. IC 36-5-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section



does not apply to a town described by IC 36-5-1-11.5.

(b) A town subject to this chapter may be dissolved if the county election board of the county in which the greatest percentage of population of the town is located conducts a public hearing and finds that the town has not elected town officers or had a functioning town government during the preceding ten (10) years.

(c) The county election board shall certify the board's findings to the county executive, who may adopt an ordinance or (in a county subject to **IC 36-2-2.5 or IC 36-2-3.5**) issue an order to dissolve the town.

SECTION 63. IC 36-9-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

- (1) Board of commissioners, for a county not subject to **IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.**
- (2) County council, for a county subject to **IC 36-2-2.5 or IC 36-2-3.5.**
- (3) City-county council, for a consolidated city or county having a consolidated city.
- (4) Common council, for a city other than a consolidated city.
- (5) Town council, for a town.
- (6) Trustee and township board, for a civil or school township.
- (7) Board of school trustees, board of school commissioners, or school board, for a school corporation.
- (8) Board of trustees, for a health and hospital corporation.

SECTION 64. IC 36-9-27-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a county having a consolidated city **or as provided in subsection (d)**, the drainage board consists of either:

- (1) the county executive; or
- (2) three (3) or five (5) persons, at least one (1) of whom must be a member of the executive, appointed by the executive;

at the option of the executive. Appointees under subdivision (2) must be resident freeholders of the county who are knowledgeable in drainage matters. Freeholders appointed to the board serve for terms of three (3) years, with their initial appointments made so as to provide for staggering of terms on an annual basis. In addition, the county surveyor serves on the board as an ex officio, nonvoting member.

(b) In a county having a consolidated city, the board of public works of the consolidated city comprises the drainage board, subject to IC 36-3-4-23.

(c) In a county having a consolidated city, the department of public



works of the consolidated city has all the powers, duties, and responsibilities of the county surveyor under this chapter, subject to IC 36-3-4-23.

(d) The following apply in a county that is subject to IC 36-2-2.5:

- (1) The drainage board consists of:**
 - (A) the single county executive; and**
 - (B) two (2) or four (4) persons (as determined by the single county executive) who are appointed by the single county executive.**
- (2) Appointees under subdivision (1)(B) must be resident freeholders of the county who are knowledgeable in drainage matters.**
- (3) The freeholders appointed to the drainage board serve for terms of three (3) years, with the freeholders' initial appointments made so as to provide for staggering of terms on an annual basis.**
- (4) The county surveyor serves on the drainage board as an ex officio, nonvoting member.**
- (5) The terms of members serving on the drainage board at the time the first single county executive is elected under IC 36-2-2.5 expire on January 1, 2019, and the single county executive shall make the appointments to the board as provided in this subsection."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1318 Printer's Error as printed January 28, 2014.)

ZAKAS, Chairperson

Committee Vote: Yeas 7, Nays 0.

