



February 15, 2024

ENGROSSED SENATE BILL No. 29

DIGEST OF SB 29 (Updated February 14, 2024 9:18 am - DI 140)

Citations Affected: IC 3-8.

Synopsis: Town party conventions. Specifies the manner of nomination applicable to a candidate for town office in a small town, based on the year in which the election occurs. Modifies the deadlines for: (1) filing a copy of an ordinance establishing a primary election for nomination of major political party candidates; and (2) holding a town convention.

Effective: January 1, 2025.

Donato, Gaskill, Doriot

(HOUSE SPONSORS — SMALTZ, WESCO)

January 8, 2024, read first time and referred to Committee on Elections.
January 9, 2024, reported favorably — Do Pass.
January 23, 2024, read second time, amended, ordered engrossed.
January 24, 2024, engrossed.
January 25, 2024, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

February 6, 2024, read first time and referred to Committee on Elections and Apportionment.
February 15, 2024, reported — Do Pass.

ES 29—LS 6153/DI 149



February 15, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 29

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 3-8-5-2, AS AMENDED BY P.L.278-2019,
2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2025]: Sec. 2. **(a) This section applies only to a town
4 described in section 1 of this chapter that conducts an election for
5 a town office during an odd-numbered year.**
6 ~~(a)~~ **(b)** A candidate for a town office may be nominated by a major
7 political party using any of the following methods:
8 (1) By convention conducted under this chapter.
9 (2) By a primary election, if the town legislative body adopts an
10 ordinance under subsection ~~(d)~~: **(e)**.
11 (3) If a town convention or a primary election is not required
12 under section 10 of this chapter for the political party of which the
13 candidate is a member **to select the party's nominees**, by the
14 candidate's declaration of candidacy.
15 ~~(b)~~ **(c)** Unless a town legislative body adopts an ordinance under
16 subsection ~~(d)~~: **(e)**, a town shall use the convention method described
17 in this chapter to nominate major political party candidates for town

ES 29—LS 6153/DI 149



- 1 offices.
- 2 ~~(e)~~ **(d)** A candidate may also be nominated for a town office by:
- 3 (1) a declaration of write-in candidacy under IC 3-8-2-4;
- 4 (2) a town convention of a political party described in section 17
- 5 of this chapter; or
- 6 (3) a petition under IC 3-8-6.
- 7 ~~(d)~~ **(e)** The town legislative body may adopt an ordinance not later
- 8 than January 1 of the year in which a municipal election is held to
- 9 establish a primary election for the nomination of major political party
- 10 candidates. The town clerk-treasurer shall file a copy of the ordinance
- 11 with the circuit court clerk of the county that contains the greatest
- 12 percentage of the town's population not later than noon on the ~~first date~~
- 13 ~~following the adoption of the ordinance that day before the first date~~
- 14 **that a candidate may file** a declaration of candidacy ~~may be filed for~~
- 15 **the primary** under IC 3-8-2-4.
- 16 ~~(e)~~ **(f)** If a town described by section 1 of this chapter adopts an
- 17 ordinance under subsection ~~(d)~~ **(e)** to nominate major political party
- 18 candidates by a primary election, the following apply:
- 19 (1) The county election board of the county that contains the
- 20 greatest percentage of the town's population shall conduct the
- 21 primary election for the town.
- 22 (2) All statutes governing primary elections for towns apply.
- 23 (3) The town may not change the method of nominating
- 24 candidates for town offices more than one (1) time in any twelve
- 25 (12) year period.
- 26 SECTION 2. IC 3-8-5-2.5 IS ADDED TO THE INDIANA CODE
- 27 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
- 28 **JANUARY 1, 2025]: Sec. 2.5. (a) This section applies only to a town**
- 29 **described in section 1 of this chapter that conducts an election**
- 30 **during an even-numbered year.**
- 31 **(b) A candidate for a town office may be nominated by a major**
- 32 **political party by a primary conducted under IC 3-10-1.**
- 33 **(c) A candidate may also be nominated for a town office by:**
- 34 **(1) a declaration of write-in candidacy under IC 3-8-2-4;**
- 35 **(2) a town convention of a political party described in section**
- 36 **17 of this chapter; or**
- 37 **(3) a petition under IC 3-8-6.**
- 38 SECTION 3. IC 3-8-5-10, AS AMENDED BY P.L.225-2011,
- 39 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JANUARY 1, 2025]: Sec. 10. (a) If more than one (1) candidate from
- 41 the same political party files a declaration of candidacy for the same
- 42 office, that political party shall conduct:



1 (1) a town convention **in an odd-numbered year, if permitted**
 2 under this chapter; or
 3 (2) a primary election;
 4 to choose the nominee of that party for that office as provided in the
 5 ordinance adopted under section 2 of this chapter **or as provided in**
 6 **section 2.5 of this chapter.**

7 (b) If a town convention is required under subsection (a), the town
 8 chairman shall organize, conduct, and issue a call for a town
 9 convention to be held in the town, or, if there is no suitable location in
 10 the town, then either at the nearest available location within any county
 11 in which the town is located or at the county seat of any county in
 12 which the town is located.

13 (c) The convention must be held ~~not later than August 21 in each~~
 14 ~~year in which a municipal election is to be held.~~ **a sufficient number**
 15 **of days in advance of the deadline to file the certificate required**
 16 **under section 13(d) of this chapter.** The purpose of the convention is
 17 to select the nominees for all town offices to be elected at the next
 18 municipal election and for which more than one (1) declaration of
 19 candidacy has been filed.

20 (d) The chairman shall file a notice of the call with the circuit court
 21 clerk of the county containing the greatest percentage of population of
 22 the town. The chairman shall also have notice of the call posted at least
 23 three (3) days in three (3) prominent public places in the town,
 24 including the office of the clerk-treasurer. The notice must state the
 25 time, place, and purpose of the convention.

26 (e) If the county chairman determines that an emergency requires
 27 the rescheduling of a town convention after notice has been given
 28 under subsection (d), the chairman shall promptly file a notice in the
 29 office of the county election board and in the office of the town
 30 clerk-treasurer stating the date, time, and place of the rescheduled
 31 convention.

32 SECTION 4. IC 3-8-5-12, AS AMENDED BY P.L.74-2017,
 33 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2025]: Sec. 12. (a) The town chairman and secretary of
 35 each town political party committee shall act as chairman and secretary
 36 of their respective conventions.

37 (b) As the first item of convention business, the town chairman shall
 38 make the initial determination regarding which individuals are eligible
 39 to vote in the town convention under section 11 of this chapter. If an
 40 individual objects to the determination of the chairman, the matter shall
 41 be put to the vote of all those individuals whose eligibility to vote is not
 42 in dispute.



1 (c) As the second item of convention business, the town chairman
2 shall submit copies of proposed rules to the members of the convention
3 for adoption. The rules must provide for at least the following:

4 (1) The voting method to be used for nominating candidates at the
5 convention.

6 (2) The method to be used for resolving tie votes.

7 (3) Any method for removing candidates from consideration by
8 the convention if no candidate receives a majority vote from all
9 voters casting a ballot at the convention.

10 (4) The rights of nonvoting observers, media, candidate watchers,
11 or others attending the convention.

12 (d) If the town chairman of the political party committee is unable
13 or unwilling to act as chairman of the convention, the secretary acts as
14 chairman until the convention elects a chairman of the convention from
15 among the voters attending the convention. If the town secretary of the
16 political party committee is unable or unwilling to act as secretary of
17 the convention, the convention shall elect a secretary of the convention
18 from among the voters attending the convention.

19 (e) After adoption of the convention rules, the convention may
20 proceed to vote on the candidates to be nominated. The candidates for
21 town offices must be nominated by a majority of the voters present and
22 voting. If more than one (1) person may be elected to an at-large town
23 council seat, the convention shall determine the total votes received by
24 each candidate for an at-large town council seat. The candidates who
25 receive the highest number of votes, up to the total number to be
26 elected, are the nominees of the convention.

27 (f) The town convention may recess and reconvene if a majority of
28 eligible voters at the convention adopt a motion to recess and
29 reconvene. The motion must state the date, time, and location of the
30 reconvening of the convention. However, a convention may not
31 reconvene on a date following the final date permitted for a convention
32 to be convened under section 10 of this chapter. **the date by which the**
33 **certificate must be filed with the circuit court clerk under section**
34 **13(d) of this chapter.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 29, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 29 as introduced.)

GASKILL, Chairperson

Committee Vote: Yeas 8, Nays 0

 SENATE MOTION

Madam President: I move that Senate Bill 29 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-8-5-2, AS AMENDED BY P.L.278-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 2. **(a) This section applies only to a town described in section 1 of this chapter that conducts an election for a town office during an odd-numbered year.**

~~(a)~~ **(b)** A candidate for a town office may be nominated by a major political party using any of the following methods:

- (1) By convention conducted under this chapter.
- (2) By a primary election, if the town legislative body adopts an ordinance under subsection ~~(d)~~; **(e)**.
- (3) If a town convention or a primary election is not required under section 10 of this chapter for the political party of which the candidate is a member **to select the party's nominees**, by the candidate's declaration of candidacy.

~~(b)~~ **(c)** Unless a town legislative body adopts an ordinance under subsection ~~(d)~~; **(e)**, a town shall use the convention method described in this chapter to nominate major political party candidates for town offices.

~~(c)~~ **(d)** A candidate may also be nominated for a town office by:

- (1) a declaration of write-in candidacy under IC 3-8-2-4;
- (2) a town convention of a political party described in section 17 of this chapter; or
- (3) a petition under IC 3-8-6.

ES 29—LS 6153/DI 149



~~(d)~~ (e) The town legislative body may adopt an ordinance not later than January 1 of the year in which a municipal election is held to establish a primary election for the nomination of major political party candidates. The town clerk-treasurer shall file a copy of the ordinance with the circuit court clerk of the county that contains the greatest percentage of the town's population not later than noon on the ~~first date following the adoption of the ordinance~~ **that day before the first date that a candidate may file** a declaration of candidacy ~~may be filed for the primary~~ under IC 3-8-2-4.

~~(e)~~ (f) If a town described by section 1 of this chapter adopts an ordinance under subsection ~~(d)~~ (e) to nominate major political party candidates by a primary election, the following apply:

- (1) The county election board of the county that contains the greatest percentage of the town's population shall conduct the primary election for the town.
- (2) All statutes governing primary elections for towns apply.
- (3) The town may not change the method of nominating candidates for town offices more than one (1) time in any twelve (12) year period.

SECTION 2. IC 3-8-5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]:** **Sec. 2.5. (a) This section applies only to a town described in section 1 of this chapter that conducts an election during an even-numbered year.**

(b) A candidate for a town office may be nominated by a major political party by a primary conducted under IC 3-10-1.

(c) A candidate may also be nominated for a town office by:

- (1) a declaration of write-in candidacy under IC 3-8-2-4;**
- (2) a town convention of a political party described in section 17 of this chapter; or**
- (3) a petition under IC 3-8-6."**

Page 1, line 6, after "convention" insert **"in an odd-numbered year, if permitted"**.

Page 1, line 9, delete "chapter." and insert **"chapter or as provided in section 2.5 of this chapter."**

Page 1, line 16, strike "not later than".

Page 1, line 17, delete "the date by which the" and insert **"a sufficient number of days in advance of the deadline to file the certificate required under section 13(d) of this chapter."**

Page 2, delete line 1.

Page 2, line 2, delete "13(d) of this chapter."



Renumber all SECTIONS consecutively.
(Reference is to SB 29 as printed January 10, 2024.)

DONATO

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 29, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 29 as reprinted January 24, 2024.)

WESCO

Committee Vote: Yeas 11, Nays 0

