

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.

SENATE ENROLLED ACT No. 29

AN ACT to amend the Indiana Code concerning elections.

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

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

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(3) a petition under IC 3-8-6.

~~(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.**

SECTION 3. IC 3-8-5-10, AS AMENDED BY P.L.225-2011, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: **Sec. 10. (a) If more than one (1) candidate from the same political party files a declaration of candidacy for the same office, that political party shall conduct:**

- (1) a town convention in an odd-numbered year, if permitted under this chapter; or**
- (2) a primary election;**

to choose the nominee of that party for that office as provided in the ordinance adopted under section 2 of this chapter **or as provided in**



section 2.5 of this chapter.

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

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

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

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

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

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

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

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



- (2) The method to be used for resolving tie votes.
- (3) Any method for removing candidates from consideration by the convention if no candidate receives a majority vote from all voters casting a ballot at the convention.
- (4) The rights of nonvoting observers, media, candidate watchers, or others attending the convention.

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

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

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



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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