

# SENATE BILL No. 178

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-10-1; IC 3-11-2-14; IC 20-3; IC 20-4.

**Synopsis:** Election of school board members. Requires elected members of school boards to be elected at general elections. Makes corresponding changes to related provisions.

**Effective:** Upon passage.

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Clark

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January 6, 1998, read first time and referred to Committee on Elections.

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Second Regular Session 110th General Assembly (1998)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

# SENATE BILL No. 178



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

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

1 SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.3-1997,  
2 SECTION 216, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The ballot for a primary  
4 election shall be printed in substantially the following form for all the  
5 offices for which candidates have qualified under IC 3-8:

6 OFFICIAL PRIMARY BALLOT

7 \_\_\_\_\_ Party  
8 To vote for a person make a voting mark (X or ✓) on or in the box  
9 before the person's name in the proper column.

10 Vote for one only  
11 Representative in Congress

- 12  (1) AB \_\_\_\_\_
- 13  (2) CD \_\_\_\_\_
- 14  (3) EF \_\_\_\_\_
- 15  (4) GH \_\_\_\_\_

16 (b) The offices with candidates for nomination shall be placed on  
17 the primary election ballot in the following order:



- 1 (1) Federal and state offices:  
 2 (A) President of the United States.  
 3 (B) United States Senator.  
 4 (C) Governor.  
 5 (D) United States Representative.  
 6 (2) Legislative offices:  
 7 (A) State senator.  
 8 (B) State representative.  
 9 (3) Circuit offices and county judicial offices:  
 10 (A) Judge of the circuit court, and unless otherwise  
 11 specified under IC 33, with each division separate if there  
 12 is more than one (1) judge of the circuit court.  
 13 (B) Judge of the superior court, and unless otherwise  
 14 specified under IC 33, with each division separate if there  
 15 is more than one (1) judge of the superior court.  
 16 (C) Judge of the probate court.  
 17 (D) Judge of the county court, with each division separate,  
 18 as required by IC 33-10.5-4-2.  
 19 (E) Prosecuting attorney.  
 20 (F) Clerk of the circuit court.  
 21 (4) County offices:  
 22 (A) County auditor.  
 23 (B) County recorder.  
 24 (C) County treasurer.  
 25 (D) County sheriff.  
 26 (E) County coroner.  
 27 (F) County surveyor.  
 28 (G) County assessor.  
 29 (H) County commissioner.  
 30 (I) County council member.  
 31 (5) Township offices:  
 32 (A) Township assessor.  
 33 (B) Township trustee.  
 34 (C) Township board member.  
 35 (D) Judge of the small claims court.  
 36 (E) Constable of the small claims court.  
 37 (6) City offices:  
 38 (A) Mayor.  
 39 (B) Clerk or clerk-treasurer.  
 40 (C) Judge of the city court.  
 41 (D) City-county council member or common council  
 42 member.



- 1 (7) Town offices:  
 2 (A) Clerk-treasurer.  
 3 (B) Judge of the town court.  
 4 (C) Town council member.
- 5 (c) The political party offices with candidates for election shall be  
 6 placed on the primary election ballot in the following order after the  
 7 offices described in subsection (b):  
 8 (1) Precinct committeeman.  
 9 (2) State convention delegate.
- 10 (d) The following offices and public questions shall be placed on  
 11 the primary election ballot in the following order after the offices  
 12 described in subsection (c):  
 13 ~~(1) School board offices to be elected at the primary election.~~  
 14 ~~(2) Other (1) Local offices to be elected at the primary election.~~  
 15 ~~(3) (2) Local public questions.~~
- 16 (e) The offices and public questions described in subsection (d)  
 17 shall be placed in a separate column on the ballot if voting is by paper  
 18 ballot, ballot card voting system, or electronic voting system or in a  
 19 separate column of ballot labels if voting is by voting machine.
- 20 (f) A public question shall be placed on the primary election ballot  
 21 in the following form:  
 22 (The explanatory text for the public question,  
 23 if required by law.)  
 24 "Shall (insert public question)?"  
 25  YES  
 26  NO
- 27 SECTION 2. IC 3-10-1-19.2, AS ADDED BY P.L.4-1996,  
 28 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 UPON PASSAGE]: Sec. 19.2. (a) Whenever candidates are to be  
 30 nominated for an office that includes more than one (1) district, the  
 31 districts shall be placed on the ballot in alphabetical or numerical  
 32 order, according to the designation given to the district.
- 33 (b) Whenever candidates are to be nominated for an office that  
 34 includes both an at-large member and a member representing a district,  
 35 the candidates seeking nomination as an at-large member shall be  
 36 placed on the ballot before candidates seeking nomination to represent  
 37 a district.
- 38 (c) This subsection applies to a ~~school board office~~ or political  
 39 office to be elected at the primary election ballot. Candidates for a  
 40 ~~school board office~~ or a political party office shall be placed on the  
 41 ballot in accordance with the rules applicable to candidates for  
 42 nomination to an office under subsections (a) and (b).



1 SECTION 3. IC 3-10-1-32 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. Primary  
 3 election returns must contain the whole number of votes cast for:

- 4 (1) each candidate of each political party;  
 5 (2) each public question voted on at the primary election; and  
 6 (3) each candidate for election to a ~~school board office or~~  
 7 political party office.

8 SECTION 4. IC 3-11-2-14, AS AMENDED BY P.L.4-1996,  
 9 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 14. (a) The following offices and public  
 11 questions shall be placed on the general election ballot in the following  
 12 order after the offices and public questions described in section 13 of  
 13 this chapter:

- 14 (1) Retention of a local judge.  
 15 (2) Local nonpartisan judicial offices.  
 16 (3) School board offices. ~~to be elected at the general election.~~  
 17 (4) Local public questions.

18 (b) These offices and public questions shall be placed in a separate  
 19 column on the ballot or ballot label if voting is by paper ballot, ballot  
 20 card voting system, or electronic voting system or in a separate column  
 21 of ballot labels if voting is by voting machine.

22 (c) If the ballot contains a candidate for a local nonpartisan  
 23 judicial office or for a school board office, the ballot must also contain  
 24 a statement that reads substantially as follows: "To vote for a candidate  
 25 for this office, make a voting mark on or in the square to the left of the  
 26 candidate's name".

27 (d) If more than one (1) local public question concerning the  
 28 retention of a local judge is to be placed on a ballot, the public  
 29 questions shall be placed on the ballot:

- 30 (1) in alphabetical order according to the surname of the local  
 31 judge; and  
 32 (2) identifying the court (including division or room) in which  
 33 the judge serves.

34 SECTION 5. IC 20-3-11-3.1 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]:Sec. 3.1. (a) The board  
 36 of school commissioners consists of seven (7) members. Each member  
 37 shall be elected on a nonpartisan basis in **primary general** elections  
 38 held in the county as specified in this section. Five (5) of the members  
 39 shall be elected from the school board districts in which they reside and  
 40 two (2) members shall be elected at large. Not more than two (2) of the  
 41 members who serve on the board may reside in the same school board  
 42 district. When a candidate runs for one (1) of the district positions on



1 the board, only eligible voters residing in the candidate's district may  
 2 vote for that candidate. When a person is a candidate for one (1) of the  
 3 at-large positions, eligible voters from all the districts may vote for that  
 4 candidate. When a candidate files to run for a position on the board, the  
 5 candidate must specify whether the candidate is running for a district  
 6 or an at-large position. All members elected to the board serve four (4)  
 7 year terms. A candidate who runs for a district or an at-large position  
 8 wins if the candidate receives the greatest number of votes of all the  
 9 candidates against whom the candidate runs. Districts shall be  
 10 established within the school corporation by the state board of  
 11 education. The districts shall be drawn on the basis of precinct lines  
 12 and as nearly as practicable, of equal population with the population of  
 13 the largest not to exceed the population of the smallest by more than  
 14 five percent (5%). District lines must not cross precinct lines. The state  
 15 board of education shall establish balloting procedures for the election  
 16 under IC 3 and other procedures required to implement this section.

17 (b) Each member of the board of school commissioners serves  
 18 under section 2 of this chapter. The vacancies in the board of school  
 19 commissioners shall be filled temporarily by the school board as soon  
 20 as practicable after the vacancy occurs. The member chosen by the  
 21 board to fill a vacancy holds office until the member's successor is  
 22 elected and qualified. The successor shall be elected at the next regular  
 23 school board election occurring after the date on which the vacancy  
 24 occurs, at which time the vacancy shall be filled for the remainder of  
 25 the term.

26 (c) Persons elected to serve on the board begin their terms on July  
 27 1 of the year of their election.

28 (d) Notwithstanding any law to the contrary, voters shall cast their  
 29 votes for school board candidates by voting machine or paper ballot.

30 SECTION 6. IC 20-3-21-3, AS AMENDED BY P.L.153-1997,  
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 3. Effective 1-1-98. (a) The governing body  
 33 of the school corporation consists of seven (7) members. Six (6)  
 34 members shall be elected as follows:

- 35 (1) On a nonpartisan basis.
- 36 (2) In a **primary general** election held in the county.
- 37 (3) At-large by the registered voters of the entire school  
 38 corporation.

39 (b) The membership shall be comprised of the following:

- 40 (1) Six (6) of the members shall be elected from the school  
 41 districts under section 4 of this chapter in which the members  
 42 reside but who shall, upon election and in conducting the



1 business of the governing body, represent the interests of the  
2 entire school corporation.

3 (2) One (1) of the members shall be appointed by the mayor of  
4 the largest city contained within the school corporation. The  
5 member must have knowledge or experience and be familiar  
6 with issues related to school business, school finance, and school  
7 administration. The member must have resided within the school  
8 corporation boundaries the previous five (5) years.

9 Upon election and in conducting the business of the governing body,  
10 a member shall represent the interests of the entire school corporation.

11 SECTION 7. IC 20-3-22-5, AS AMENDED BY P.L.149-1995,  
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 UPON PASSAGE]: Sec. 5. To be eligible to be a candidate for the  
14 governing body under this chapter, the following apply:

15 (1) Each prospective candidate must file a nomination petition  
16 with the clerk of the circuit court at least seventy-four (74) days  
17 before the **primary general** election at which the members are to  
18 be elected that includes the following information:

19 (A) The name of the prospective candidate.

20 (B) Whether the prospective candidate is a district  
21 candidate or an at-large candidate.

22 (C) A certification that the candidate meets the  
23 qualifications for candidacy imposed under this chapter.

24 (D) The signatures of at least one hundred (100) registered  
25 voters residing within the school corporation.

26 (2) Each prospective candidate for a district position must:

27 (A) reside within the district; and

28 (B) have resided within the district for at least the three (3)  
29 years immediately preceding the election.

30 (3) Each prospective candidate for an at-large position must:

31 (A) reside within the boundaries of the school corporation;  
32 and

33 (B) have resided within the boundaries of the school  
34 corporation for at least the three (3) years immediately  
35 preceding the election.

36 (4) Each prospective candidate (regardless of whether the  
37 candidate is a district candidate or an at-large candidate) must:

38 (A) be a registered voter and must have been a registered  
39 voter for at least the three (3) years immediately preceding  
40 the election; and

41 (B) be a high school graduate or have received a:

42 (i) high school equivalency certificate; or



1 (ii) state of Indiana general educational development  
2 (GED) diploma under IC 20-10.1-12.1.

3 (5) A prospective candidate may not:  
4 (A) hold any other elective or appointive office; or  
5 (B) have a pecuniary interest in any contract with the school  
6 corporation or its governing body;  
7 as prohibited by law.

8 SECTION 8. IC 20-3-22-8 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. ~~Except as~~  
10 ~~provided in section 9(2) of this chapter,~~ The term of each person  
11 elected to serve on the governing body is four (4) years, beginning July  
12 1 following election.

13 SECTION 9. IC 20-4-1-8 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The county  
15 committee in formulating a preliminary plan shall, with respect to each  
16 of the community school corporations which are a part of the  
17 reorganization plan, determine the following:

18 (1) The name of the community school corporation.  
19 (2) A general description of the boundaries of the community  
20 school corporation which may consist of identifying an existing  
21 school corporation where it is to be included in its entirety in  
22 such community school corporation. Where a boundary does not  
23 follow the boundary of an existing civil or school corporation,  
24 the description shall set out the boundary as near as reasonably  
25 possible by streets, rivers, and other similar boundaries which  
26 are known by common names, and where this is not thus  
27 possible, by section lines or other legal description. No such  
28 description shall be defective if there is a good faith effort to  
29 comply with the provisions of this subdivision, or if such  
30 boundary may be ascertained with reasonable certainty by a  
31 person skilled in the area of real estate description. The county  
32 committee shall have the authority to require the services of the  
33 county surveyor in preparing a description of any boundary line.  
34 (3) The number of members on the board of school trustees,  
35 which shall be either three (3), five (5), or seven (7), and  
36 whether such board of school trustees shall be elected or  
37 appointed. If appointed, when and by whom. If elected, ~~whether~~  
38 ~~such that the~~ election shall be at ~~the primary or~~ at the general  
39 election at which county officials are ~~nominated or~~ elected, and  
40 subject to the provisions of sections 26.2 through 26.3 of this  
41 chapter, the manner in which such board of school trustees shall  
42 be elected or appointed.



- 1 (4) The compensation, if any, of the members of the regular and  
 2 interim board of school trustees, which shall not exceed the  
 3 amount provided in IC 20-5-3-6. If no compensation is provided  
 4 in any plan adopted after March 15, 1963, such members shall  
 5 be entitled to no compensation.
- 6 (5) Limitations on residence, term of office, and other  
 7 qualifications required of the members of such board of school  
 8 trustees. However, no plan shall provide for an appointive or  
 9 elective term of more than four (4) years, but any member may  
 10 serve more than one (1) consecutive term.
- 11 (6) The disposition of assets and liabilities in instances where an  
 12 existing school corporation is divided.
- 13 (7) The disposition of school aid bonds, if any.
- 14 (b) In instances where existing school corporations are not divided  
 15 the assets, liabilities, and obligations of the existing school  
 16 corporations are to be transferred to and assumed by the new  
 17 community school corporation of which they are a part, without any  
 18 provisions therefor being made in the plan.
- 19 (c) The preliminary plan shall be supported by a summary  
 20 statement of:
- 21 (1) the educational improvements its adoption will make  
 22 possible;
- 23 (2) data showing the assessed valuation, the number of resident  
 24 pupils in average daily attendance in grades 1 through 12, the  
 25 assessed valuation per each such pupil and the property tax  
 26 levies, of each existing school corporation to which the plan  
 27 applies, and such assessed valuation, resident average daily  
 28 attendance and assessed valuation per pupil, of each proposed  
 29 community school corporation if it were in existence in the year  
 30 the preliminary plan is prepared or notices of a hearing or  
 31 hearings thereon is given by the county committee; and
- 32 (3) any other data or information the county committee deems  
 33 appropriate or that may be required by the state board in its  
 34 rules.
- 35 (d) Such assessed valuations and tax rates shall be based on the  
 36 valuations applying to taxes collected in the year the preliminary plan  
 37 is prepared or notices of a hearing or hearings thereon is given by the  
 38 county committee. The resident average daily attendance figures may  
 39 be based on the calculation thereof under the rules pursuant to which  
 40 they are submitted to the superintendent of public instruction by  
 41 existing school corporations and shall be set out for the school year in  
 42 progress in such year if they are available, or for the preceding school



1 year if they are not. All such data and information shall be obtained by  
 2 the county committee from any source deemed reliable by it, and the  
 3 statement by the county committee shall be sufficient whether or not  
 4 exactly accurate, if there is a good faith effort on its part to comply with  
 5 the provisions of this subsection.

6 SECTION 10. IC 20-4-1-26.4 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.4. (a) This  
 8 section applies to each school corporation, whenever created.

9 (b) ~~If a plan provides for the election of members of the board of~~  
 10 ~~school trustees of the community school corporation at a primary~~  
 11 ~~election;~~ At the time provided by ~~IC 3-8-2~~ **IC 3-8-6** for the filing of  
 12 notice of candidacies for the **primary general** election next following  
 13 the creation of the community school corporation, nominations for  
 14 members of the board of school trustees of the community school  
 15 corporation may be made by a petition signed by the candidates and ten  
 16 (10) registered voters residing within the boundaries of the community  
 17 school corporation.

18 (c) A petition must be filed with the circuit court clerk of the  
 19 county that contains the greatest percentage of population of the school  
 20 corporation. If the plan requires residence in a specified district or  
 21 voting solely in a specified district for a board member office, the  
 22 petition must clearly state the residence or electoral district from or for  
 23 which the person is a candidate. If a school corporation is located in  
 24 more than one (1) county, the circuit court clerk shall, after  
 25 determining that a petition complies with subsection (b), promptly  
 26 certify to each circuit court clerk of a county in which the school  
 27 corporation is located, the names of the candidates to be placed on the  
 28 ballot.

29 ~~(d) If a plan provides for an election of members of the board of~~  
 30 ~~school trustees at a general election; the filing of notice of candidates~~  
 31 ~~must be made in the manner provided for filing at primary elections~~  
 32 ~~under this section. The filing must be made within the same period of~~  
 33 ~~time before the general election as would have been required before the~~  
 34 ~~primary election had the election been held at the latter time.~~

35 ~~(e)~~ **(d)** All nominations shall be listed for each office in the form  
 36 prescribed by IC 3-10-1-19 or IC 3-11-2, but without party designation.  
 37 Voting and tabulation of votes shall be conducted in the same manner  
 38 as voting and tabulation in **primary general** elections are conducted.  
 39 The precinct election boards serving at each **primary general** election  
 40 in each county shall conduct the election for school board members. If  
 41 a school corporation is located in more than one (1) county, each  
 42 county election board shall print the ballots required for voters in that



1 county to vote for candidates for members of the board of school  
2 trustees of the school corporation.

3 ~~(f)~~ (e) If the plan provides that the board of school trustees shall  
4 be elected by all the voters of the community school corporation,  
5 candidates shall be placed on the ballot in the form prescribed by  
6 IC 3-10-1-19 or IC 3-11-2, without party designation. Candidates  
7 elected shall be those having the greatest number of votes.

8 ~~(g)~~ (f) If the plan provides that members of the board of school  
9 trustees are to be elected from residence districts by all voters in the  
10 community school corporation, nominees for the board of school  
11 trustees shall be placed on the ballot in the form prescribed by  
12 IC 3-10-1-19 or IC 3-11-2, by residence districts without party  
13 designation. The ballot must state the number of members to be voted  
14 upon and the maximum number that may be elected from each  
15 residence district as provided in the plan. A ballot is not valid where  
16 more than the maximum number are voted upon from a board member  
17 residence district. Candidates having the greatest number of votes are  
18 elected. However, if more than the maximum number that may be  
19 elected from a residence district are among those having the greatest  
20 number of votes, the lowest of those candidates from the residence  
21 districts in excess of the maximum number shall be eliminated in  
22 determining the candidates who are elected.

23 ~~(h)~~ (g) If the plan provides that members of the board of school  
24 trustees are to be elected from electoral districts solely by the voters of  
25 each district, nominees residing in each electoral district shall be  
26 placed on the ballot in the form prescribed by IC 3-10-1-19 or  
27 IC 3-11-2, without party designation. The ballot must state the number  
28 to be voted on from the electoral district. Candidates residing in the  
29 electoral district having the greatest number of votes are elected.

30 SECTION 11. IC 20-4-1-26.5 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.5. (a) This  
32 section applies to each school corporation, whenever created.

33 ~~(b) If the board of school trustees is to be elected at the primary  
34 election, each registered voter may vote in the board of school trustee  
35 election without otherwise voting in the primary election:~~

36 ~~(c)~~ (b) If a tie vote occurs among any of the candidates, the judge  
37 of the circuit court, or in case of a united school corporation, the judge  
38 of the circuit court of the county having the most pupils enrolled in the  
39 united school corporation, shall select one (1) of the candidates who  
40 shall be declared and certified elected.

41 ~~(d)~~ (c) If after the first board of school trustees takes office there  
42 is a vacancy on the board of school trustees for any reason, including



1 the failure of the sufficient number of petitions for candidates being  
 2 filed, and whether the vacating member was elected or appointed, the  
 3 remaining members of the board of school trustees, whether or not a  
 4 majority of the board, shall by a majority vote fill the vacancy by  
 5 appointing a person from within the boundaries of the community  
 6 school corporation, with the residence and other qualifications  
 7 provided for a regularly elected or appointed board member filling the  
 8 office, to serve for the term or balance of terms respectively. If a tie  
 9 vote occurs among the remaining members of the board or the board  
 10 fails to act within thirty (30) days after any vacancy occurs, the judge  
 11 of the circuit court in the county where the majority of registered voters  
 12 of the school corporation reside shall make the appointment.

13 ~~(e)~~ (d) A vacancy in the board of trustees occurs if a member  
 14 ceases to be a resident of any community school corporation. A  
 15 vacancy does not occur when the member moves from a district of the  
 16 school corporation from which the member was elected or appointed  
 17 as long as the member continues to be a resident of the school  
 18 corporation.

19 ~~(f)~~ (e) At the first ~~primary or~~ general election in which members  
 20 of the board of school trustees are elected, a simple majority of the  
 21 candidates elected as members of the board of school trustees who  
 22 receive the highest number of votes shall be elected for four (4) year  
 23 terms. The balance of the candidates elected as members of the board  
 24 of school trustees receiving the next highest number of votes shall be  
 25 elected for two (2) year terms. Thereafter, all school board members  
 26 shall be elected for four (4) year terms.

27 ~~(g)~~ (f) Board members elected in November take office and  
 28 assume their duties on January 1 or July 1 after their election, as  
 29 determined by the board of school trustees before the election. ~~Board~~  
 30 ~~members elected in May take office and assume their duties on July 1~~  
 31 ~~after their election.~~

32 SECTION 12. IC 20-4-3-1 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In a  
 34 community school corporation set up under IC 20-4-1 that has a  
 35 population of more than seventy-five thousand (75,000) but less than  
 36 ninety thousand (90,000), and that is the successor in interest to a  
 37 school city having the same population, the governing body shall  
 38 consist of a board of trustees of five (5) members elected in the manner  
 39 provided in this chapter.

40 (b) ~~At the time of the 1968 primary election and at each such~~  
 41 ~~primary election every four (4) years thereafter, there shall be elected~~  
 42 ~~in each school corporation embraced within the terms of this chapter~~



1 two (2) school trustees each of whom shall serve for a period of four  
 2 (4) years. The two (2) candidates for the office of school trustee  
 3 receiving the highest number of votes at such election shall take office  
 4 on July 1 next following the election. At the time of the 1970 primary  
 5 election and at each such primary election every four (4) years  
 6 thereafter, there shall be elected in each school city embraced within  
 7 the terms of this chapter three (3) school trustees each of whom shall  
 8 serve for a period of four (4) years. The three (3) candidates for the  
 9 office of school trustee receiving the highest number of votes at such  
 10 election shall take office on July 1 next following the election.  
 11 Thereafter, such school trustees shall be elected at the times above  
 12 provided and shall succeed the retiring members in the order and  
 13 manner as set forth in this subsection: **Board members are elected at**  
 14 **the general election.**

15 SECTION 13. IC 20-4-3-2 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The board of  
 17 school trustees shall be elected on a general ticket **at a general**  
 18 **election** for a term of four (4) years by the voters of any such school  
 19 city. ~~A voter may vote in such primary election for school trustees~~  
 20 ~~without otherwise voting and without declaring party preference.~~ An  
 21 individual is not eligible for the office of school trustee for more than  
 22 three (3) terms out of four (4) consecutive terms. A term, or any part of  
 23 a term, filled as a result of a vacancy upon such board of school  
 24 trustees is within the provisions of this limitation. The members of such  
 25 board shall be elected at the time of the **primary general** elections as  
 26 provided in section 1 of this chapter and shall be taken from the city at  
 27 large without reference to district. Such election shall be held under  
 28 IC 3-10-1, insofar as it is not inconsistent with the provisions of this  
 29 chapter.

30 (b) At the time provided by law for the filing of declaration of  
 31 candidacy for the **primary general** election in which members of the  
 32 board of school trustees are to be elected as provided for in this  
 33 chapter, legal voters of such city may present names of candidates for  
 34 election as members of the board of school trustees to the county  
 35 election board in each county in which is situated a school city within  
 36 the contemplation of this chapter as follows:

- 37 (1) Each candidate shall be proposed in a petition in writing
- 38 signed by not fewer than two hundred (200) legal voters of such
- 39 school city.
- 40 (2) Not more than one (1) candidate may be named in any one
- 41 (1) petition.
- 42 (3) No legal voter may sign petitions for a greater number of



1 candidates than the number of school trustees to be elected in the  
2 **primary general** election concerned.

3 (c) Upon the presentation of such petition to the county election  
4 board, the board shall publish the names proposed in accordance with  
5 IC 5-3-1 and shall certify such nominations in the manner as required  
6 by law. Such election shall be conducted in accordance with IC 3.

7 (d) The county election board shall prepare the ballot for the  
8 **primary general** election at which school trustees are to be elected as  
9 provided in this section so that the names of the candidates nominated  
10 for the office of school trustee appear on the ballot in alphabetical  
11 order, without party designation and in the form prescribed by  
12 IC 3-10-1-19. The name of any candidate shall not be published and  
13 placed on the ballot by the county election board if it shall appear that  
14 the candidate is ineligible for membership on the board of school  
15 trustees under the provisions of this chapter. Each voter may vote for  
16 as many candidates as there are school trustees to be elected.

17 SECTION 14. IC 20-4-8-8 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) At the time  
19 provided by ~~IC 3-8-2-4~~ **IC 3-8-6** for filing a declaration of candidacy  
20 for the **primary general** election next following the creation of the  
21 county school corporation as provided in this chapter, nominations for  
22 members of the board of education of said county school corporation  
23 shall be made by a petition signed by the nominee and ten (10) voters  
24 of the county residing in the same board member district as the  
25 nominee, which shall be filed with the clerk of the circuit court in the  
26 respective county. Such nominations shall be listed by board member  
27 districts on the **primary general** election ballot as prescribed by  
28 ~~IC 3-10-1-19~~; **IC 3-10-2**, but without party designation.

29 (b) Voting and tabulation of votes shall be conducted in the same  
30 manner as in **primary general** elections under ~~IC 3-10-1~~; **IC 3-10-2**.  
31 The candidates elected from each board member district and at large  
32 shall be the persons having the greatest number of votes. If in the first  
33 election more than two (2) candidates in any one (1) board member  
34 district shall be among those who received the greatest number of votes  
35 or if in any subsequent election more than one (1) person shall be  
36 among those who received the greatest number of votes, then the  
37 candidate or candidates respectively receiving the next greatest number  
38 of votes in other board member districts respectively shall be declared  
39 elected. In the event of a tie vote for any of said candidates, the judge  
40 of the circuit court shall select one (1) of said candidates who shall be  
41 declared and certified elected.

42 (c) If at any time there shall occur a vacancy or vacancies on the



1 board for any reason including the failure of the sufficient number of  
 2 petitions for candidates being filed, it shall be the duty of the judge of  
 3 the circuit court to fill said vacancies by appointing a person or persons  
 4 from the respective board member district or districts to serve for the  
 5 term or balance of terms respectively.

6 (d) ~~At the first primary election wherein members of the county~~  
 7 ~~board of education shall be elected; the three (3) candidates who~~  
 8 ~~receive the highest number of votes in each of the respective board~~  
 9 ~~member districts shall be elected for four (4) year terms and the two (2)~~  
 10 ~~candidates from different districts receiving the next highest number~~  
 11 ~~of votes respectively shall be elected for two (2) year terms. All~~  
 12 candidates for membership on the county board of education shall be  
 13 voted upon by the voters in the county school corporation district only  
 14 and shall be elected for four (4) year terms after the first election and  
 15 shall take office and assume their duties one (1) week after their  
 16 election.

17 SECTION 15. IC 20-4-8-18 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Members  
 19 of the metropolitan board of education shall be elected by the  
 20 registered voters of the metropolitan school district at the **primary**  
 21 **general** elections held biennially in the state commencing with the next  
 22 **primary general** election which is held more than sixty (60) days after  
 23 the creation of the metropolitan school district as provided herein.  
 24 Nominations for each member of the board of education shall be made  
 25 by a petition signed by the nominee and by ten (10) registered voters  
 26 residing in the same board member district as the nominee. Such  
 27 petition shall be filed not earlier than the date on which a petition of  
 28 nomination may first be filed under IC 3-8-6-10 and not later than noon  
 29 on the last date provided by ~~IC 3-8-2-4~~ **IC 3-8-6-10** for the filing of a  
 30 declaration of candidacy for the **primary general** election with the clerk  
 31 of the circuit court in each county in which such metropolitan school  
 32 district is located.

33 (b) Nominees for school board members shall be listed on the  
 34 **primary general** election ballot in the form prescribed by ~~IC 3-10-1-19;~~  
 35 **IC 3-10-2**, by board member districts without party designation. Such  
 36 ballot shall state thereon the number of board members to be voted  
 37 upon and the maximum number which may be elected from each board  
 38 member district in compliance with section 15 of this chapter. No  
 39 ballot shall be valid where more than such maximum number are voted  
 40 upon from any such board member district. The election boards in the  
 41 various precincts and in the county or counties serving at each **primary**  
 42 **general** election shall conduct the election for school board members.



1 Each registered voter may vote in such school board election without  
2 otherwise voting in the **primary general** election.

3 (c) Voting and tabulation of votes shall be conducted in the same  
4 manner as voting and tabulation in **primary general** elections are  
5 conducted, and the candidates having the greatest number of votes shall  
6 be elected. If more than the maximum number which may be elected  
7 from any board member district as provided in section 15 of this  
8 chapter are among those having the greatest number of votes, the  
9 lowest of those candidates from such board member district in excess  
10 of such maximum number shall be eliminated in determining the  
11 candidates who are elected. In the event of a tie vote for any of said  
12 candidates, the judge of the circuit court in the county where the  
13 majority of the registered voters of the metropolitan school district  
14 reside shall select one (1) of said candidates who shall be declared and  
15 certified elected.

16 (d) If at any time after the first board member election there shall  
17 occur a vacancy on the board for any reason including but not limited  
18 to the failure of the sufficient number of petitions for candidates being  
19 filed, and whether the vacating member was elected or appointed, the  
20 remaining members of the metropolitan board of education, whether or  
21 not a majority of the board, shall by a majority vote fill such vacancy  
22 by appointing a person from the board member district from which the  
23 person who vacated the board membership was elected, or if such  
24 person was appointed, the board member district from which the last  
25 elected predecessor of such person was elected. In the event of a tie  
26 vote among the remaining members of the board or their failure to act  
27 within thirty (30) days after any such vacancy occurs, it shall be the  
28 duty of the judge of the circuit court in the county where the majority  
29 of registered voters of the metropolitan school district reside to make  
30 such appointment. A successor to such appointive board member shall  
31 be elected at the next **primary general** election which is held more than  
32 sixty (60) days after any elected board member vacates membership on  
33 the board; or at the **primary general** election held immediately prior to  
34 the end of the term for which such vacating member was elected,  
35 whichever is sooner. Unless such successor takes office at the end of  
36 the term of such vacating member, the member shall serve only for the  
37 balance of such term. In any election of a successor board member to  
38 fill a vacancy for a two (2) year balance of a term, nominating petitions  
39 for school board membership candidacy need not be filed for or with  
40 reference to the vacancy. The elected candidate who receives the  
41 lowest number of votes at the election at which such successor is  
42 elected shall serve for such two (2) year term.



1 (e) At the first primary election wherein members of the  
 2 metropolitan board of education shall be elected under this section; a  
 3 simple majority of the elected candidates; consisting of those elected  
 4 candidates who receive the highest number of votes; shall be elected  
 5 for four (4) year terms and the balance of the elected candidates;  
 6 consisting of those who received the lowest number of votes; shall be  
 7 elected for two (2) year terms. All candidates for membership on the  
 8 metropolitan board of education shall be voted upon by the voters of  
 9 the entire district, shall be elected for four (4) year terms after the first  
 10 election and shall take office and assume their duties July 1 following  
 11 their election.

12 SECTION 16. IC 20-4-10.1-15 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. ~~Limitation on~~  
 14 ~~Elections and Adoption of Plan~~. No election shall be held under this  
 15 chapter more than once each eighteen (18) months. No plan for any  
 16 governing body may be adopted more than once each six (6) years,  
 17 except:

18 (1) where the plan provides solely for changing the time of  
 19 voting of board members from the primary to the general  
 20 election; or from the general to the primary election;

21 (2) (1) in the event any plan adopted is declared or held to be  
 22 invalid by a binding judgment or order in any United States or  
 23 Indiana court from which no appeal or further approval can be  
 24 taken; or

25 (3) (2) where the plan provides solely for changes in items  
 26 specified in section 2(5) of this chapter.

27 SECTION 17. IC 20-4-19-5 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board  
 29 members of the merged school corporation shall be elected at the first  
 30 **primary general** election following its creation, and vacancies shall be  
 31 filled in accordance with IC 20-4-1-26.5.

32 (b) Until such first election, the board of trustees of the merged  
 33 school corporation shall consist of the members of the governing body  
 34 of any school corporation in the county other than a school township  
 35 and the township trustee of any school township in the county.

36 (c) The first board of trustees shall select the name of the merged  
 37 school corporation by a majority vote. Such name may be changed  
 38 from time to time by unanimous vote of the governing body of the  
 39 merged school corporation.

40 SECTION 18. IC 20-4-57 IS ADDED TO THE INDIANA CODE  
 41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 42 UPON PASSAGE]:



1           **Chapter 57. Election of Governing Body Members at General**  
2 **Elections**

3           **Sec. 1. This chapter applies to a school corporation created**  
4 **under IC 20-3 or this article.**

5           **Sec. 2. Notwithstanding a provision in the plan of a school**  
6 **corporation to the contrary, if a school corporation's plan includes**  
7 **the election of members of the governing body, the election shall be**  
8 **held at the general election.**

9           SECTION 19. THE FOLLOWING ARE REPEALED  
10 [EFFECTIVE UPON PASSAGE]: IC 20-3-21-9; IC 20-3-22-9.

11           SECTION 20. [EFFECTIVE UPON PASSAGE] (a)  
12 **Notwithstanding any other law, the term of a member of the**  
13 **governing body of a school corporation who was elected May 3,**  
14 **1994, expires December 31, 1998.**

15           (b) **Notwithstanding any other law, the term of a member of**  
16 **the governing body of a school corporation who was elected May**  
17 **7, 1996, expires December 31, 2000.**

18           (c) **This SECTION expires January 1, 2001.**

19           SECTION 21. **An emergency is declared for this act.**

