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# HOUSE BILL No. 1138

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-10-1-19; IC 3-11-2.

**Synopsis:** School board ballots. Moves the ballot location of candidates for school board elections to immediately follow the location of candidates for partisan offices.

**Effective:** January 1, 2000.

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January 6, 1999, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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# HOUSE BILL No. 1138



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 3-10-1-19 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 19. (a) The ballot  
3 for a primary election shall be printed in substantially the following  
4 form for all the offices for which candidates have qualified under  
5 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 specified  
11 under IC 33, with each division separate if there is more than one  
12 (1) judge of the circuit court.  
13 (B) Judge of the superior court, and unless otherwise specified  
14 under IC 33, with each division separate if there is more than one  
15 (1) judge of the superior court.  
16 (C) Judge of the probate court.  
17 (D) Judge of the county court, with each division separate, as  
18 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 member.  
42 (7) Town offices:

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- 1 (A) Clerk-treasurer.  
 2 (B) Judge of the town court.  
 3 (C) Town council member.  
 4 **(c) School board offices to be elected at the primary election**  
 5 **shall be placed on the primary election ballot after the offices**  
 6 **described in subsection (b).**  
 7 ~~(c)~~ **(d)** The political party offices with candidates for election shall  
 8 be placed on the primary election ballot in the following order after the  
 9 offices described in subsection ~~(b)~~: **(c)**:  
 10 (1) Precinct committeeman.  
 11 (2) State convention delegate.  
 12 ~~(d)~~ **(e)** The following offices and public questions shall be placed on  
 13 the primary election ballot in the following order after the offices  
 14 described in subsection ~~(c)~~: **(d)**:  
 15 ~~(1)~~ **School board offices to be elected at the primary election:**  
 16 ~~(2)~~ **(1)** Other local offices to be elected at the primary election.  
 17 ~~(3)~~ **(2)** Local public questions.  
 18 ~~(e)~~ **(f)** The offices and public questions described in ~~subsection (d)~~  
 19 **subsections (c), (d), and (e)** shall be placed in a separate column on  
 20 the ballot if voting is by paper ballot, ballot card voting system, or  
 21 electronic voting system or in a separate column of ballot labels if  
 22 voting is by voting machine.  
 23 ~~(f)~~ **(g)** A public question shall be placed on the primary election  
 24 ballot in the following form:  
 25 (The explanatory text for the public question,  
 26 if required by law.)  
 27 "Shall (insert public question)?"  
 28  YES  
 29  NO  
 30 SECTION 2. IC 3-11-2-12.9 IS ADDED TO THE INDIANA CODE  
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 32 JANUARY 1, 2000]: **Sec. 12.9. (a) School board offices to be elected**  
 33 **at the general election shall be placed on the general election ballot**  
 34 **after the offices described in section 12 of this chapter.**  
 35 **(b) School board offices shall be placed in a separate column on**  
 36 **the ballot or ballot label if voting is by paper ballot, ballot card**  
 37 **voting system, or electronic voting system or in a separate column**  
 38 **of ballot labels if voting is by voting machine.**  
 39 **(c) If the ballot contains a candidate for a school board office,**  
 40 **the ballot must also contain a statement that reads substantially as**  
 41 **follows: "To vote for a candidate for this office, make a voting**  
 42 **mark on or in the square to the left of the candidate's name."**



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1 SECTION 3. IC 3-11-2-13 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 13. (a) The  
 3 following offices and public questions shall be placed on the general  
 4 election ballot in the following order after the offices described in  
 5 ~~section 12~~ **section 12.9** of this chapter:

- 6 (1) Retention of a justice of the supreme court.
- 7 (2) Retention of a judge of the court of appeals.
- 8 (3) Retention of the judge of the tax court.
- 9 (4) Ratification of a state constitutional amendment.

10 (b) Whenever more than one (1) justice of the supreme court is  
 11 subject to retention, the name of each justice must appear on the ballot  
 12 in alphabetical order. However, if the justice serving as chief justice is  
 13 subject to retention, the chief justice's name must appear first.

14 (c) Whenever more than one (1) judge of the court of appeals is  
 15 subject to retention, the name of each judge must appear on the ballot  
 16 in alphabetical order. However, if the judge serving as chief judge is  
 17 subject to retention, the chief judge's name must appear first.

18 (d) 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 SECTION 4. IC 3-11-2-14 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. (a) The  
 24 following offices and public questions shall be placed on the general  
 25 election ballot in the following order after the offices and public  
 26 questions described in section 13 of this chapter:

- 27 (1) Retention of a local judge.
- 28 (2) Local nonpartisan judicial offices.
- 29 ~~(3) School board offices to be elected at the general election.~~
- 30 ~~(4)~~ **(3)** Local public questions.

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

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

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

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

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