

# HOUSE BILL No. 1925

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-3-23.

**Synopsis:** East Chicago school board elections. Provides for the submission of a local public question to the voters of East Chicago concerning whether the governing body of the East Chicago public schools should be changed. Provides that if the voters approve the public question, the governing body will consist of six members elected by all the voters of the city and three members appointed by the mayor. Provides other details of the organization of the governing body.

**Effective:** July 1, 2003.

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**Aguilera**

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January 23, 2003, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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# HOUSE BILL No. 1925



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 20-3-23 IS ADDED TO THE INDIANA CODE AS  
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2003]:  
 4 **Chapter 23. Election of School Board Members in East Chicago**  
 5 **Sec. 1. This chapter applies to a school corporation located in a**  
 6 **city that satisfies both of the following:**  
 7 (1) **The city has a population of more than thirty-two**  
 8 **thousand (32,000) but less than thirty-two thousand eight**  
 9 **hundred (32,800).**  
 10 (2) **The voters of the city have adopted this chapter through**  
 11 **a public question submitted to the voters of the city.**  
 12 **Sec. 2. IC 20-4-10.1 does not apply to a school corporation or the**  
 13 **governing body of a school corporation covered by this chapter.**  
 14 **Sec. 3. (a) The governing body of the school corporation consists**  
 15 **of nine (9) members chosen as follows:**  
 16 (1) **Six (6) of the members shall be elected from the school**  
 17 **districts established under section 4 of this chapter in which**



1 the members reside.

2 (2) Three (3) of the members shall be appointed by the mayor  
3 of the city. The members appointed under this subdivision  
4 must have resided within the school corporation boundaries  
5 the previous two (2) years. At least one (1) of the members  
6 appointed under this subdivision must have knowledge of or  
7 experience with issues related to school business, school  
8 finance, and school administration.

9 (b) The six (6) members elected under subsection (a)(1) shall be  
10 elected as follows:

11 (1) On a nonpartisan basis.

12 (2) In a primary election held in the county.

13 (3) At-large by the registered voters of the entire school  
14 corporation.

15 (c) Upon assuming office and in conducting the business of the  
16 governing body, a member shall represent the interests of the  
17 entire school corporation.

18 Sec. 4. The districts from which members are elected shall be  
19 drawn on the same lines as the common council districts set forth  
20 in IC 36-4-6.

21 Sec. 5. The six (6) members to be elected for a position on the  
22 governing body described under section 3(a)(1) of this chapter shall  
23 be elected as follows:

24 (1) Each candidate must file a petition of nomination with the  
25 circuit court clerk at least seventy-four (74) days before the  
26 election at which the members are to be elected. The petition  
27 of nomination must include the following information:

28 (A) The name of the candidate.

29 (B) The district in which the candidate resides.

30 (C) The signatures of at least one hundred (100) registered  
31 voters residing within the school corporation.

32 (D) The fact that the candidate is running for a district  
33 position.

34 (E) A certification that the candidate meets the  
35 qualifications for candidacy imposed by this chapter.

36 (2) Only eligible voters residing in the school corporation may  
37 vote for a candidate.

38 (3) The candidate who resides within each particular district  
39 who receives the greatest number of votes within the school  
40 corporation is elected.

41 Sec. 6. The Indiana state board of education, with assistance  
42 from the county election board, shall establish balloting procedures

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1 under IC 3 for the election and all other procedures required to  
2 implement this chapter.

3 Sec. 7. (a) The term of each person elected to serve on the  
4 governing body is four (4) years, beginning July 1 following the  
5 election.

6 (b) An individual appointed by the mayor under section 3(a)(2)  
7 of this chapter serves at the pleasure of the mayor.

8 Sec. 8. The members shall be elected as follows:

9 (1) Three (3) of the members elected under section 3(a)(1) of  
10 this chapter shall be elected at the primary election to be held  
11 in 2006 and every four (4) years thereafter.

12 (2) Three (3) of the members elected under section 3(a)(1) of  
13 this chapter shall be elected at the primary election to be held  
14 in 2008 and every four (4) years thereafter.

15 Sec. 9. (a) A vacancy in the office of a member elected under  
16 section 3(a)(1) of this chapter shall be filled temporarily by the  
17 governing body as soon as practicable after the vacancy occurs. An  
18 individual filling a vacancy under this subsection serves until the  
19 expiration of the term of the member whose position the individual  
20 fills.

21 (b) A vacancy in the office of a member appointed by the mayor  
22 under section 3(a)(2) of this chapter shall be filled by the mayor.

23 Sec. 10. Before August 1 of each year, the school corporation  
24 shall file with the state superintendent of public instruction a list of  
25 the:

26 (1) names and addresses of members of the school  
27 corporation's governing body;

28 (2) names and addresses of the school corporation's officers;  
29 and

30 (3) expiration dates of the terms of the school corporation's  
31 members and officers.

32 The school corporation shall file any changes in the list within  
33 thirty (30) days after the changes occur.

34 SECTION 2. [EFFECTIVE JULY 1, 2003] (a) This SECTION  
35 applies to a city that has a population of more than thirty-two  
36 thousand (32,000) but less than thirty-two thousand eight hundred  
37 (32,800).

38 (b) The county election board of the county in which the city is  
39 located shall place a local public question on the ballot at the  
40 primary election held in the county on May 4, 2004, asking voters  
41 of the city the following public question:

42 "Shall the governing body of the \_\_\_\_\_

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- 1 (insert the name of the city) School Corporation consist of six  
 2 (6) members elected by the voters of the city and three (3)  
 3 members appointed by the mayor?".
- 4 (c) The county election board shall tabulate the votes cast on the  
 5 public question described in this SECTION and certify the results  
 6 to each of the following:
- 7 (1) The state superintendent of public instruction.  
 8 (2) The mayor of the city.  
 9 (3) The governing body of the school corporation.
- 10 (d) Subject to this SECTION, IC 3-10-9 applies to the public  
 11 question required by this SECTION.
- 12 (e) If the voters of the city approve the public question placed on  
 13 the ballot, the following apply:
- 14 (1) IC 20-3-23, as added by this act, applies to the school  
 15 corporation and the governing body of the school corporation  
 16 beginning July 1, 2006.
- 17 (2) Notwithstanding any other law, the terms of the members  
 18 of the governing body of the school corporation who hold  
 19 office on June 30, 2006, expire July 1, 2006.
- 20 (3) On July 1, 2006, all powers, duties, and functions adhering  
 21 to the governing body of the school corporation in existence  
 22 on June 30, 2006, are transferred to the governing body  
 23 established by IC 20-3-23, as added by this act.
- 24 (4) On July 1, 2006, the property and records of the governing  
 25 body of the school corporation in existence on June 30, 2006,  
 26 are transferred to the governing body established by  
 27 IC 20-3-23, as added by this act.
- 28 (5) Notwithstanding IC 20-3-23-8, as added by this act, the six  
 29 (6) members of the governing body described in  
 30 IC 20-3-23-3(a)(1), as added by this act, shall be elected at the  
 31 municipal primary election to be held on May 2, 2006. IC 3  
 32 and IC 20-3-23, as added by this act, except if in conflict with  
 33 this SECTION, apply to the election held under this  
 34 subdivision.
- 35 (6) Notwithstanding IC 20-3-23-7, as added by this act, the  
 36 terms of office of the members elected under subdivision (5)  
 37 expire as follows:
- 38 (A) The terms of office of the three (3) members who  
 39 receive the three (3) highest numbers of votes in the  
 40 election expire July 1, 2010.
- 41 (B) The terms of office of the three (3) members elected  
 42 under subdivision (5) not described in clause (A) expire

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**July 1, 2008.**

**(7) The successors of the members described in subdivision (6) shall be elected as follows:**

**(A) The successors of the members described in subdivision (6)(A) shall each be elected for a four (4) year term at the primary election held May 4, 2010, as provided in IC 20-3-23-7 and IC 20-3-23-8, both as added by this act.**

**(B) The successors of the members described in subdivision (6)(B) shall each be elected for a four (4) year term at the primary election held May 6, 2008, as provided in IC 20-3-23-7 and IC 20-3-23-8, both as added by this act.**

**(f) This SECTION expires July 1, 2010.**

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