
HOUSE BILL No. 1490

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-10-1; IC 20-3; IC 20-4.

Synopsis: Change date of school board elections. Requires that school board members selected by election must be elected at general elections.

Effective: July 1, 2005.

Behning, Frizzell

January 18, 2005, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1490



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 3-8-2-2.2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.2. (a) A candidate for
3 a school board office must file a petition of nomination in accordance
4 with IC 3-8-6 and as required under IC 20-3 or IC 20-4. The petition of
5 nomination, once filed, serves as the candidate's declaration of
6 candidacy for a school board office.

7 (b) A candidate for a school board office is not required to file a
8 statement of organization for the candidate's principal committee by
9 noon seven (7) days after the final date for filing a petition of
10 nomination or declaration of intent to be a write-in candidate unless the
11 candidate has received contributions or made expenditures requiring
12 the filing of a statement under IC 3-9-1-5.5.

13 **(c) This section applies before July 1, 2006.**

14 SECTION 2. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) A person who files a
16 declaration of candidacy for an elected office for which a per diem or
17 salary is provided for by law is disqualified from filing a declaration of



1 candidacy for another office for which a per diem or salary is provided
2 for by law until the original declaration is withdrawn.

3 (b) A person may file both:

4 (1) a declaration of candidacy under this chapter for nomination
5 to a federal or state office; and

6 (2) a written request under IC 3-8-3-1 that the person's name be
7 placed on the ballot in a primary election as a candidate for
8 nomination for the office of President of the United States.

9 (c) **This subsection applies before July 1, 2006.** A person may not
10 file:

11 (1) a declaration of candidacy for a nomination; and

12 (2) a petition of nomination or declaration of intent to be a
13 write-in candidate for a school board office that is elected at the
14 same time as the primary election.

15 If a person files both a declaration of candidacy and a petition of
16 nomination described in this subsection, the matter shall be referred to
17 the county election board under section ~~18~~ **14(b)** of this chapter. The
18 board shall determine which document was most recently filed and
19 shall consider the previously filed document to have been withdrawn.

20 SECTION 3. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) Upon receipt of the certified
22 list under section 17 of this chapter, a county election board shall
23 immediately compile under the proper political party designation the
24 following:

25 (1) The title of each office.

26 (2) The name of each individual who has filed a request to be
27 placed on the presidential primary ballot.

28 (3) The names and addresses of all persons for whom declarations
29 of candidacy have been filed for nomination to an office on the
30 primary election ballot.

31 (4) **This subdivision applies before July 1, 2006.** The names and
32 addresses of all persons who have filed a petition of nomination
33 for election to a school board office to be chosen at the same time
34 as the primary election.

35 (5) The text of any public question to be placed on the ballot.

36 (6) The date of the primary election.

37 (7) The hours during which the polls will be open.

38 (b) The county election board shall do the following:

39 (1) Publish the information described in subsection (a) before the
40 primary election in accordance with IC 5-3-1.

41 (2) File a copy of the information described in subsection (a):

42 (A) with the election division; and

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- 1 (B) in the minutes of the county election board.
- 2 (c) The county election board shall file the copies required under
- 3 subsection (b)(2) not later than noon ten (10) days before election day.
- 4 (d) An election is not invalidated by the failure of the board to
- 5 comply with this section.
- 6 (e) If the county election board receives an amendment from the
- 7 election division under section 17 of this chapter after:
- 8 (1) compilation of the information described in subsection (a) has
- 9 occurred; or
- 10 (2) the board determines that it is impractical to recompile
- 11 completely revised information;
- 12 the board is only required to file a copy of the amendment with the
- 13 minutes of the board.

14 SECTION 4. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS
 15 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2005]:

17 **Chapter 2.5. Declaration of Candidacy for School Board Office**
 18 **Sec. 1. This chapter applies after June 30, 2006, to a candidate**
 19 **for a school board office.**

20 **Sec. 2. (a) A candidate for a school board office must file a**
 21 **petition of nomination in accordance with IC 3-8-6 and as required**
 22 **under IC 20-3 or IC 20-4. The petition of nomination, once filed,**
 23 **serves as the candidate's declaration of candidacy for a school**
 24 **board office.**

25 **(b) A candidate for a school board office is not required to file**
 26 **a statement of organization for the candidate's principal committee**
 27 **by noon seven (7) days after the final date for filing a petition of**
 28 **nomination or declaration of intent to be a write-in candidate**
 29 **unless the candidate has received contributions or made**
 30 **expenditures requiring the filing of a statement under IC 3-9-1-5.5.**

31 **Sec. 3. A petition of nomination for a school board office must**
 32 **be filed not later than noon seventy-four (74) days before the**
 33 **general election. The petition must be subscribed and sworn to**
 34 **before a person authorized to administer oaths.**

35 **Sec. 4. A declaration of intent to be a write-in candidate for a**
 36 **school board office must be filed not later than noon five (5) days**
 37 **before the final date for the delivery of absentee ballots under**
 38 **IC 3-11-4-15 and not earlier than ninety (90) days before a general**
 39 **election. The declaration must be subscribed and sworn to before**
 40 **a person authorized to administer oaths.**

41 SECTION 5. IC 3-10-1-19 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) The ballot for

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a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

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

Vote for one only

Representative in Congress

(1) AB _____

(2) CD _____

(3) EF _____

(4) GH _____

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

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Clerk of the circuit court.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

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- 1 (H) County commissioner.
- 2 (I) County council member.
- 3 (5) Township offices:
- 4 (A) Township assessor.
- 5 (B) Township trustee.
- 6 (C) Township board member.
- 7 (D) Judge of the small claims court.
- 8 (E) Constable of the small claims court.
- 9 (6) City offices:
- 10 (A) Mayor.
- 11 (B) Clerk or clerk-treasurer.
- 12 (C) Judge of the city court.
- 13 (D) City-county council member or common council member.
- 14 (7) Town offices:
- 15 (A) Clerk-treasurer.
- 16 (B) Judge of the town court.
- 17 (C) Town council member.
- 18 (c) The political party offices with candidates for election shall be
- 19 placed on the primary election ballot in the following order after the
- 20 offices described in subsection (b):
- 21 (1) Precinct committeeman.
- 22 (2) State convention delegate.
- 23 (d) **This subsection applies before July 1, 2006.** The following
- 24 offices and public questions shall be placed on the primary election
- 25 ballot in the following order after the offices described in subsection
- 26 (c):
- 27 (1) School board offices to be elected at the primary election.
- 28 (2) Other local offices to be elected at the primary election.
- 29 (3) Local public questions.
- 30 (e) **This subsection applies after June 30, 2006. The following**
- 31 **offices and public questions shall be placed on the primary election**
- 32 **ballot in the following order after the offices described in**
- 33 **subsection (c):**
- 34 **(1) Other local offices to be elected at the primary election.**
- 35 **(2) Local public questions.**
- 36 ~~(e)~~ (f) The offices and public questions described in subsection (d)
- 37 shall be placed in a separate column on the ballot if voting is by paper
- 38 ballot, ballot card voting system, or electronic voting system or in a
- 39 separate column of ballot labels if voting is by voting machine.
- 40 ~~(f)~~ (g) A public question shall be placed on the primary election
- 41 ballot in the following form:
- 42 (The explanatory text for the public question,

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if required by law.)
"Shall (insert public question)?"

- YES
- NO

SECTION 6. IC 3-10-1-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19.2. (a) Whenever candidates are to be nominated for an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) Whenever candidates are to be nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

(c) **This subsection applies before July 1, 2006.** This subsection applies to a school board office or political office to be elected at the primary election ballot. Candidates for a school board office or a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b).

(d) This subsection applies after June 30, 2006. This subsection applies to a political office to be elected at the primary election. Candidates for a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b).

SECTION 7. IC 3-10-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 32. **(a) This section applies before July 1, 2006.**

(b) Primary election returns must contain the whole number of votes cast for:

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

SECTION 8. IC 3-10-1-32.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 32.1. (a) This section applies after June 30, 2006.**

(b) Primary election returns must contain the whole number of votes cast for:

- (1) each candidate of each political party;**
- (2) each public question voted on at the primary election; and**
- (3) each candidate for election to a political party office.**

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1 SECTION 9. IC 20-3-11-3.1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.1. (a) The board of
 3 school commissioners consists of seven (7) members. **Before July 1,**
 4 **2006,** each member shall be elected on a nonpartisan basis in primary
 5 elections held in the county as specified in this section. **After June 30,**
 6 **2006, each member shall be elected on a nonpartisan basis in**
 7 **general elections held in the county as specified in this section.** Five
 8 (5) of the members shall be elected from the school board districts in
 9 which they reside and two (2) members shall be elected at large. Not
 10 more than two (2) of the members who serve on the board may reside
 11 in the same school board district. When a candidate runs for one (1) of
 12 the district positions on the board, only eligible voters residing in the
 13 candidate's district may vote for that candidate. When a person is a
 14 candidate for one (1) of the at-large positions, eligible voters from all
 15 the districts may vote for that candidate. When a candidate files to run
 16 for a position on the board, the candidate must specify whether the
 17 candidate is running for a district or an at-large position. All members
 18 elected to the board serve four (4) year terms. A candidate who runs for
 19 a district or an at-large position wins if the candidate receives the
 20 greatest number of votes of all the candidates against whom the
 21 candidate runs. Districts shall be established within the school
 22 corporation by the state board of education. The districts shall be drawn
 23 on the basis of precinct lines and as nearly as practicable, of equal
 24 population with the population of the largest not to exceed the
 25 population of the smallest by more than five percent (5%). District
 26 lines must not cross precinct lines. The state board of education shall
 27 establish balloting procedures for the election under IC 3 and other
 28 procedures required to implement this section.

29 (b) Each member of the board of school commissioners serves under
 30 section 2 of this chapter. The vacancies in the board of school
 31 commissioners shall be filled temporarily by the school board as soon
 32 as practicable after the vacancy occurs. The member chosen by the
 33 board to fill a vacancy holds office until the member's successor is
 34 elected and qualified. The successor shall be elected at the next regular
 35 school board election occurring after the date on which the vacancy
 36 occurs, at which time the vacancy shall be filled for the remainder of
 37 the term.

38 (c) **Before July 1, 2006,** persons elected to serve on the board begin
 39 their terms on July 1 of the year of their election. **After June 30, 2006,**
 40 **persons elected to serve on the board begin their terms on January**
 41 **1 following their election.**

42 (d) Notwithstanding any law to the contrary, voters shall cast their

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1 votes for school board candidates by voting system or paper ballot.
2 However, the same method used to cast votes for all other offices for
3 which candidates have qualified to be on the election ballot must be
4 used for the school board offices.

5 SECTION 10. IC 20-3-21-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The governing
7 body of the school corporation consists of seven (7) members elected
8 as follows:

- 9 (1) On a nonpartisan basis.
- 10 (2) In a:
 - 11 (A) primary election held in the county, **before July 1, 2006;**
 - 12 **and**
 - 13 (B) **general election held in the county, after June 30, 2006.**

14 (b) The membership shall be comprised of the following:
15 (1) Six (6) of the members shall be elected from the school
16 districts under section 4 of this chapter. Each member shall be
17 elected from the school district in which the member resides but
18 shall, upon election and in conducting the business of the
19 governing body, represent the interests of the entire school
20 corporation.

21 (2) One (1) of the members elected may reside in any of the
22 districts drawn under section 4 of this chapter. Upon election and
23 in conducting the business of the governing body, the member
24 shall represent the interests of the entire school corporation.

25 SECTION 11. IC 20-3-21-8 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The term of each
27 person elected to serve on the governing body is four (4) years.
28 ~~beginning~~

29 (b) **The term of each person elected to serve on the governing
30 body begins on the following date:**

- 31 (1) **For a person elected before July 1, 2006,** July 1 following
32 **the person's** election.
- 33 (2) **For a person elected after June 30, 2006, January 1**
34 **following the person's election.**

35 SECTION 12. IC 20-3-21-9 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The members
37 shall be elected as follows:

38 (1) Three (3) of the members elected under section 3(b)(1) of this
39 chapter shall be elected at the primary election to be held in 2000
40 and every four (4) years thereafter.

41 (2) Three (3) of the members elected under section 3(b)(1) of this
42 chapter shall be elected at the primary election to be held in 2002

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1 and every four (4) years thereafter.
2 (3) The at-large member elected under section 3(b)(2) of this
3 chapter shall be elected at the primary election to be held in 2004.
4 and every four (4) years thereafter.

5 **(b) This section expires January 1, 2007.**

6 SECTION 13. IC 20-3-21-9.1 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2005]: **Sec. 9.1. (a) This section applies after**
9 **June 30, 2006.**

10 **(b) The members shall be elected as follows:**

11 (1) **Three (3) of the members elected under section 3(b)(1) of**
12 **this chapter shall be elected at the general election to be held**
13 **in 2006 and every four (4) years thereafter.**

14 (2) **Three (3) of the members elected under section 3(b)(1) of**
15 **this chapter shall be elected at the general election to be held**
16 **in 2008 and every four (4) years thereafter.**

17 (3) **The at-large member elected under section 3(b)(2) of this**
18 **chapter shall be elected at the general election to be held in**
19 **2006 and every four (4) years thereafter.**

20 SECTION 14. IC 20-3-22-5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5.** To be eligible to be
22 a candidate for the governing body under this chapter, the following
23 apply:

24 (1) **This subdivision applies before July 1, 2006.** Each
25 prospective candidate must file a **petition of nomination** ~~petition~~
26 with the ~~clerk of the~~ circuit court **clerk** at least seventy-four (74)
27 days before the primary election at which the members are to be
28 elected that includes the following information:

- 29 (A) The name of the prospective candidate.
- 30 (B) Whether the prospective candidate is a district candidate
31 or an at-large candidate.
- 32 (C) A certification that the candidate meets the qualifications
33 for candidacy imposed under this chapter.
- 34 (D) The signatures of at least one hundred (100) registered
35 voters residing within the school corporation.

36 (2) **This subdivision applies after June 30, 2006. Not later than**
37 **seventy-four (74) days before the general election at which the**
38 **members are to be elected, each prospective candidate must**
39 **file a petition of nomination with the circuit court clerk that**
40 **includes the following information:**

- 41 (A) **The name of the prospective candidate.**
- 42 (B) **Whether the prospective candidate is a district**

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candidate or an at-large candidate.
(C) A certification that the candidate meets the qualifications for candidacy imposed under this chapter.
(D) The signatures of at least one hundred (100) registered voters residing within the school corporation.

- ~~(2)~~ **(3)** Each prospective candidate for a district position must:
 - (A) reside within the district; and
 - (B) have resided within the district for at least the three (3) years immediately preceding the election.
- ~~(3)~~ **(4)** Each prospective candidate for an at-large position must:
 - (A) reside within the boundaries of the school corporation; and
 - (B) have resided within the boundaries of the school corporation for at least the three (3) years immediately preceding the election.
- ~~(4)~~ **(5)** Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:
 - (A) be a registered voter and must have been a registered voter for at least the three (3) years immediately preceding the election; and
 - (B) be a high school graduate or have received a:
 - (i) high school equivalency certificate; or
 - (ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1.
- ~~(5)~~ **(6)** A prospective candidate may not:
 - (A) hold any other elective or appointive office; or
 - (B) have a pecuniary interest in any contract with the school corporation or its governing body;
 as prohibited by law.

SECTION 15. IC 20-3-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. ~~Except as provided in section 9(2) of this chapter;~~ **(a)** The term of each person elected to serve on the governing body is four (4) years. ~~beginning~~

(b) The term of each person elected to serve on the governing body begins on the following date:

- (1) For a person elected before July 1, 2006,** July 1 following the person's election.
- (2) For a person elected after June 30, 2006,** January 1 following the person's election.

SECTION 16. IC 20-3-22-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. **(a)** The members shall be elected as follows:

- (1) Three (3) of the members shall be elected at the primary

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1 election to be held in 2000 and every four (4) years thereafter.
 2 (2) Two (2) of the members shall be elected at the primary
 3 election to be held in 2002 and every four (4) years thereafter.
 4 **(b) This section expires July 1, 2006.**
 5 SECTION 17. IC 20-3-22-9.1 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2005]: **Sec. 9.1. (a) This section applies after**
 8 **June 30, 2006.**
 9 **(b) The members shall be elected as follows:**
 10 **(1) Three (3) of the members shall be elected at the general**
 11 **election to be held in 2006 and every four (4) years thereafter.**
 12 **(2) Two (2) of the members shall be elected at the general**
 13 **election to be held in 2008 and every four (4) years thereafter.**
 14 SECTION 18. IC 20-4-1-8 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The county
 16 committee, in formulating a preliminary plan, shall, with respect to
 17 each of the community school corporations which are a part of the
 18 reorganization plan, determine the following:
 19 (1) The name of the community school corporation.
 20 (2) A general description of the boundaries of the community
 21 school corporation which may consist of identifying an existing
 22 school corporation where it is to be included in its entirety in such
 23 community school corporation. Where a boundary does not follow
 24 the boundary of an existing civil or school corporation, the
 25 description shall set out the boundary as near as reasonably
 26 possible by streets, rivers, and other similar boundaries which are
 27 known by common names, and where this is not thus possible, by
 28 section lines or other legal description. No such description shall
 29 be defective if there is a good faith effort to comply with the
 30 provisions of this subdivision, or if such boundary may be
 31 ascertained with reasonable certainty by a person skilled in the
 32 area of real estate description. The county committee shall have
 33 the authority to require the services of the county surveyor in
 34 preparing a description of any boundary line.
 35 (3) The number of members on the board of school trustees,
 36 which shall be either three (3), five (5), or seven (7), and whether
 37 such board of school trustees shall be elected or appointed. If
 38 appointed, when and by whom. If elected:
 39 **(A) for a preliminary plan adopted before July 1, 2005,**
 40 whether such election shall be at the primary or at the general
 41 election at which county officials are nominated or elected;
 42 **and**

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(B) for a preliminary plan adopted after June 30, 2005, the election shall be at a general election;

and subject to the provisions of sections 26.2 through 26.3 of this chapter, the manner in which such board of school trustees shall be elected or appointed.

(4) The compensation, if any, of the members of the regular and interim board of school trustees, which shall not exceed the amount provided in IC 20-5-3-6. If no compensation is provided in any plan adopted after March 15, 1963, such members shall be entitled to no compensation.

(5) Limitations on residence, term of office, and other qualifications required of the members of such board of school trustees. However, no plan shall provide for an appointive or elective term of more than four (4) years, but any member may serve more than one (1) consecutive term.

(6) The disposition of assets and liabilities in instances where an existing school corporation is divided.

(7) The disposition of school aid bonds, if any.

(b) In instances where existing school corporations are not divided, the assets, liabilities, and obligations of the existing school corporations are to be transferred to and assumed by the new community school corporation of which they are a part, without any provisions therefor being made in the plan.

(c) The preliminary plan shall be supported by a summary statement of:

- (1) the educational improvements its adoption will make possible;
- (2) data showing the assessed valuation, the number of resident pupils in average daily attendance in grades 1 through 12, the assessed valuation per each such pupil and the property tax levies, of each existing school corporation to which the plan applies, and such assessed valuation, resident average daily attendance and assessed valuation per pupil, of each proposed community school corporation if it were in existence in the year the preliminary plan is prepared or notices of a hearing or hearings thereon is given by the county committee; and
- (3) any other data or information the county committee deems appropriate or that may be required by the state board in its rules.

(d) Such assessed valuations and tax rates shall be based on the valuations applying to taxes collected in the year the preliminary plan is prepared or notices of a hearing or hearings thereon is given by the county committee. The resident average daily attendance figures may be based on the calculation thereof under the rules pursuant to which

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1 they are submitted to the superintendent of public instruction by
2 existing school corporations and shall be set out for the school year in
3 progress in such year if they are available, or for the preceding school
4 year if they are not. All such data and information shall be obtained by
5 the county committee from any source deemed reliable by it, and the
6 statement by the county committee shall be sufficient whether or not
7 exactly accurate, if there is a good faith effort on its part to comply with
8 the provisions of this subsection.

9 SECTION 19. IC 20-4-1-26.4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26.4. (a) This section
11 applies to each school corporation, whenever created.

12 (b) **This subsection applies before July 1, 2006.** If a plan provides
13 for the election of members of the board of school trustees of the
14 community school corporation at a primary election, at the time
15 provided by IC 3-8-2 for the filing of notice of candidacies for the
16 primary election next following the creation of the community school
17 corporation, nominations for members of the board of school trustees
18 of the community school corporation may be made by a petition signed
19 by the candidates and ten (10) registered voters residing within the
20 boundaries of the community school corporation.

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

32 (d) **This subsection applies before July 1, 2006.** If a plan provides
33 for an election of members of the board of school trustees at a general
34 election, the filing of notice of candidates must be made in the manner
35 provided for filing at primary elections under this section. The filing
36 must be made within the same period of time before the general
37 election as would have been required before the primary election had
38 the election been held at the latter time.

39 (e) **This subsection applies after June 30, 2006. A plan must
40 provide for the election of members of the board of school trustees
41 of the community school corporation at a general election. Each
42 candidate shall file a notice of candidacy in accordance with**

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1 **IC 3-8-2.5 by a petition signed by the candidate and by ten (10)**
2 **registered voters residing within the boundaries of the community**
3 **school corporation. The filing must be made within the time**
4 **specified by IC 3-8-2.5-3.**

5 ~~(e)~~ **(f) This subsection applies before June 1, 2006.** All
6 nominations shall be listed for each office in the form prescribed by
7 IC 3-10-1-19 or IC 3-11-2, but without party designation. Voting and
8 tabulation of votes shall be conducted in the same manner as voting
9 and tabulation in primary elections are conducted. The precinct
10 election boards serving at each primary election in each county shall
11 conduct the election for school board members. If a school corporation
12 is located in more than one (1) county, each county election board shall
13 print the ballots required for voters in that county to vote for candidates
14 for members of the board of school trustees of the school corporation.

15 **(g) This subsection applies after June 30, 2006. All nominations**
16 **shall be listed for each office in the form prescribed by IC 3-11-2,**
17 **but without party designation. Voting and tabulation of votes shall**
18 **be conducted in the same manner as voting and tabulation in**
19 **general elections are conducted. The precinct election boards**
20 **serving in each county shall conduct the election for school board**
21 **members. If a school corporation is located in more than one (1)**
22 **county, each county election board shall print the ballots required**
23 **for voters in that county to vote for candidates for members of the**
24 **board of school trustees of the school corporation.**

25 ~~(f)~~ **(h) This subsection applies before July 1, 2006.** If the plan
26 provides that the board of school trustees shall be elected by all the
27 voters of the community school corporation, candidates shall be placed
28 on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2,
29 without party designation. Candidates elected shall be those having the
30 greatest number of votes.

31 **(i) This subsection applies after June 30, 2006. If the plan**
32 **provides that the board of school trustees shall be elected by all the**
33 **voters of the community school corporation, candidates shall be**
34 **placed on the ballot in the form prescribed by IC 3-11-2, without**
35 **party designation. Candidates elected are those having the greatest**
36 **number of votes.**

37 ~~(g)~~ **(j) This subsection applies before July 1, 2006.** If the plan
38 provides that members of the board of school trustees are to be elected
39 from residence districts by all voters in the community school
40 corporation, nominees for the board of school trustees shall be placed
41 on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2, by
42 residence districts without party designation. The ballot must state the

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1 number of members to be voted upon and the maximum number that
 2 may be elected from each residence district as provided in the plan. A
 3 ballot is not valid where more than the maximum number are voted
 4 upon from a board member residence district. Candidates having the
 5 greatest number of votes are elected. However, if more than the
 6 maximum number that may be elected from a residence district are
 7 among those having the greatest number of votes, the lowest of those
 8 candidates from the residence districts in excess of the maximum
 9 number shall be eliminated in determining the candidates who are
 10 elected.

11 **(k) This subsection applies after June 30, 2006. If the plan**
 12 **provides that members of the board of school trustees are to be**
 13 **elected from residence districts by all voters in the community**
 14 **school corporation, nominees for the board of school trustees shall**
 15 **be placed on the ballot in the form prescribed by IC 3-11-2, by**
 16 **residence districts without party designation. The ballot must state**
 17 **the number of members to be voted on and the maximum number**
 18 **that may be elected from each residence district as provided in the**
 19 **plan. A ballot is not valid where more than the maximum number**
 20 **are voted on from a board member residence district. Candidates**
 21 **having the greatest number of votes are elected. However, if more**
 22 **than the maximum number that may be elected from a residence**
 23 **district are among those having the greatest number of votes, the**
 24 **lowest of those candidates from the residence districts exceeding**
 25 **the maximum number shall be eliminated in determining the**
 26 **candidates who are elected.**

27 ~~(k)~~ **(l) This subsection applies before July 1, 2006.** If the plan
 28 provides that members of the board of school trustees are to be elected
 29 from electoral districts solely by the voters of each district, nominees
 30 residing in each electoral district shall be placed on the ballot in the
 31 form prescribed by IC 3-10-1-19 or IC 3-11-2, without party
 32 designation. The ballot must state the number to be voted on from the
 33 electoral district. Candidates residing in the electoral district having the
 34 greatest number of votes are elected.

35 **(m) This subsection applies after June 30, 2006. If the plan**
 36 **provides that members of the board of school trustees are to be**
 37 **elected from electoral districts solely by the voters of each district,**
 38 **nominees residing in each electoral district shall be placed on the**
 39 **ballot in the form prescribed by IC 3-11-2, without party**
 40 **designation. The ballot must state the number to be voted on from**
 41 **the electoral district. Candidates residing in the electoral district**
 42 **having the greatest number of votes are elected.**

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1 SECTION 20. IC 20-4-1-26.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26.5. (a) This section
3 applies to each school corporation, whenever created.

4 (b) **This subsection applies before July 1, 2006.** If the board of
5 school trustees is to be elected at the primary election, each registered
6 voter may vote in the board of school trustee election without otherwise
7 voting in the primary election.

8 (c) If a tie vote occurs among any of the candidates, the judge of the
9 circuit court, or in case of a united school corporation, the judge of the
10 circuit court of the county having the most pupils enrolled in the united
11 school corporation, shall select one (1) of the candidates who shall be
12 declared and certified elected.

13 (d) If after the first board of school trustees takes office, there is a
14 vacancy on the board of school trustees for any reason, including the
15 failure of the sufficient number of petitions for candidates being filed,
16 and whether the vacating member was elected or appointed, the
17 remaining members of the board of school trustees, whether or not a
18 majority of the board, shall by a majority vote fill the vacancy by
19 appointing a person from within the boundaries of the community
20 school corporation, with the residence and other qualifications
21 provided for a regularly elected or appointed board member filling the
22 office, to serve for the term or balance of terms respectively. If a tie
23 vote occurs among the remaining members of the board or the board
24 fails to act within thirty (30) days after any vacancy occurs, the judge
25 of the circuit court in the county where the majority of registered voters
26 of the school corporation reside shall make the appointment.

27 (e) A vacancy in the board of trustees occurs if a member ceases to
28 be a resident of any community school corporation. A vacancy does not
29 occur when the member moves from a district of the school corporation
30 from which the member was elected or appointed as long as the
31 member continues to be a resident of the school corporation.

32 (f) **This subsection applies before July 1, 2006.** At the first
33 primary or general election in which members of the board of school
34 trustees are elected, a simple majority of the candidates elected as
35 members of the board of school trustees who receive the highest
36 number of votes shall be elected for four (4) year terms. The balance
37 of the candidates elected as members of the board of school trustees
38 receiving the next highest number of votes shall be elected for two (2)
39 year terms. Thereafter, all school board members shall be elected for
40 four (4) year terms.

41 (g) **This subsection applies after June 30, 2006. At the first**
42 **general election in which members of the board of school trustees**

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1 are elected, a simple majority of the candidates elected as members
2 of the board of school trustees who receive the highest number of
3 votes shall be elected for four (4) year terms. The balance of the
4 candidates elected as members of the board of school trustees
5 receiving the next highest number of votes shall be elected for two
6 (2) year terms. Thereafter, all school board members shall be
7 elected for four (4) year terms.

8 ~~(g)~~ (h) This subsection applies before July 1, 2006. Board
9 members elected in November take office and assume their duties on
10 January 1 or July 1 after their election, as determined by the board of
11 school trustees before the election. Board members elected in May take
12 office and assume their duties on July 1 after their election.

13 (i) This subsection applies after June 30, 2006. Board members
14 elected in November take office and assume their duties on
15 January 1 or July 1 after their election, as determined before the
16 election by the board of school trustees.

17 SECTION 21. IC 20-4-3-1 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) In a community
19 school corporation set up under IC 20-4-1 that has a population of more
20 than seventy-five thousand (75,000) but less than ninety thousand
21 (90,000), and that is the successor in interest to a school city having the
22 same population, the governing body shall consist of a board of trustees
23 of five (5) members elected in the manner provided in this chapter.

24 (b) At the 2000 primary election, ~~and at each primary election every~~
25 ~~four (4) years thereafter~~, there shall be elected in each school
26 corporation covered by this chapter two (2) school trustees, each of
27 whom shall serve for four (4) years. The two (2) candidates for the
28 office of school trustee receiving the highest number of votes at the
29 election take office on July 1 next following the election. **This**
30 **subsection expires July 1, 2006.**

31 (c) At the 2002 primary election, ~~and at each primary election every~~
32 ~~four (4) years thereafter~~, there shall be elected in each school city
33 covered by this chapter three (3) school trustees, each of whom shall
34 serve for four (4) years. The three (3) candidates for the office of
35 school trustee receiving the highest number of votes at the election take
36 office on July 1 next following the election. **This subsection expires**
37 **July 1, 2006.**

38 (d) The school trustees shall be elected at the times provided and
39 shall succeed the retiring members in the order and manner as set forth
40 in this section.

41 SECTION 22. IC 20-4-3-2 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this

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1 section, "county election board" includes a board of elections and
2 registration under IC 3-6-5.2.

3 (b) The board of school trustees shall be elected on a general ticket
4 for a term of four (4) years by the voters of any such school city. A
5 voter may vote in such primary election for school trustees without
6 otherwise voting and without declaring party preference. The members
7 of such board shall be elected at the time of the primary elections as
8 provided in section 1 of this chapter and shall be taken from the city at
9 large without reference to district. Such election shall be held under
10 IC 3-10-1, insofar as it is not inconsistent with this chapter.

11 (c) At the time provided by law for the filing of declaration of
12 candidacy for the primary election in which members of the board of
13 school trustees are to be elected as provided for in this chapter, legal
14 voters of such city may present names of candidates for election as
15 members of the board of school trustees to the county election board in
16 each county in which is situated a school city subject to this chapter as
17 follows:

18 (1) Each candidate shall be proposed in a petition in writing
19 signed by not fewer than two hundred (200) legal voters of such
20 school city.

21 (2) Not more than one (1) candidate may be named in any one (1)
22 petition.

23 (3) No legal voter may sign petitions for a greater number of
24 candidates than the number of school trustees to be elected in the
25 primary election concerned.

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

30 (e) The county election board shall prepare the ballot for the
31 primary election at which school trustees are to be elected as provided
32 in this section so that the names of the candidates nominated for the
33 office of school trustee appear on the ballot in alphabetical order,
34 without party designation and in the form prescribed by IC 3-10-1-19.
35 The name of any candidate shall not be published and placed on the
36 ballot by the county election board if the candidate is ineligible for
37 membership on the board of school trustees under this chapter. Each
38 voter may vote for as many candidates as there are school trustees to be
39 elected.

40 (f) **This section applies before July 1, 2006.**

41 SECTION 23. IC 20-4-3-2.5 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2005]: Sec. 2.5. (a) This section applies after June 30, 2006.

(b) As used in this section, "county election board" includes a board of elections and registration under IC 3-6-5.2.

(c) The voters of the school city shall elect the board of school trustees at a general election for a term of four (4) years. The members of the board shall be elected from the city at large without reference to district.

(d) Each candidate for election to the board of school trustees shall file a notice of candidacy with the county election board in each county in which a school city subject to this chapter is located. The notice of candidacy must comply with IC 3-8-2.5 and the following requirements:

- (1) The notice must be a written petition signed by at least two hundred (200) legal voters of the school city.
- (2) Each petition may nominate only one (1) candidate.
- (3) Each legal voter may sign petitions equal in number to the number of school trustees to be elected.

(e) After all the petitions described in subsection (d) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(f) The county election board shall prepare the ballot for the general election at which school trustees are to be elected so that the names of the candidates nominated for the office of school trustee appear on the ballot:

- (1) in alphabetical order;
- (2) without party designation; and
- (3) in the form prescribed by IC 3-11-2.

(g) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the board of school trustees.

(h) Each voter may vote for as many candidates as there are school trustees to be elected.

SECTION 24. IC 20-4-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The first county board of education shall be composed of three (3) persons residing in different school board member districts who shall be elected by the trustees of the townships included in said county school corporation in a meeting to be called by the county superintendent of schools and held for that purpose within one (1) week after the establishment of said board member districts by the board of commissioners, and the judge

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1 of the circuit court shall appoint two (2) members from different board
2 member districts. Such appointments shall be filed with the clerk of the
3 circuit court not later than the day following the respective elections
4 and appointments. The members of the county board of education shall
5 serve until their successors are elected or appointed and qualified.

6 (b) **This subsection applies before July 1, 2006.** The first meeting
7 of the first board of education shall be held within one (1) month
8 following the creation of such county school corporation. It shall be
9 called by the county superintendent of schools. At such first meeting
10 the board shall organize, and during the first ten (10) days of each
11 succeeding July it shall reorganize, by electing a president, a vice
12 president, a secretary, and a treasurer.

13 (c) **This subsection applies after June 30, 2006. The first meeting**
14 **of the first board of education shall be held within one (1) month**
15 **after the creation of the county school corporation. The first**
16 **meeting shall be called by the county superintendent of schools. At**
17 **the first meeting, the board shall organize, and each year during**
18 **the first ten (10) days after the date members elected or appointed**
19 **to a new term take office, the board shall reorganize by electing a**
20 **president, a vice president, a secretary, and a treasurer.**

21 (c) (d) The secretary of the board shall keep an accurate record of
22 the minutes of the board, which ~~minutes~~ shall be kept in the county
23 superintendent's office. The county superintendent shall act as
24 administrator of the board and shall carry out such acts and duties as
25 shall be designated by the board.

26 (d) (e) A quorum shall consist of a majority of the members of the
27 board, which in all cases shall be required for the transaction of
28 business. The vote of a majority of those present shall be required for
29 any motion, ordinance, or resolution to pass.

30 (e) (f) The board shall conduct its affairs in the manner prescribed
31 herein elsewhere for conduct of county boards of education, shall
32 except in unusual cases hold its meetings at the office of the county
33 superintendent of schools or at a place mutually designated by the
34 board and the superintendent, and shall maintain all records and
35 transact all business from such place.

36 (f) (g) The county board of education shall have the power to pay
37 each member of the board a reasonable per diem for service on the
38 board not to exceed one hundred twenty-five dollars (\$125) per year
39 and for travel to and from their homes to the place of meeting within
40 the county a sum for mileage at a rate determined by the county fiscal
41 body.

42 SECTION 25. IC 20-4-8-8 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) At the time
 2 provided by IC 3-8-2-4 for filing a declaration of candidacy for the
 3 primary election next following the creation of the county school
 4 corporation as provided in this chapter, nominations for members of the
 5 board of education of said county school corporation shall be made by
 6 a petition signed by the nominee and ten (10) voters of the county
 7 residing in the same board member district as the nominee, which shall
 8 be filed with the clerk of the circuit court in the respective county. Such
 9 nominations shall be listed by board member districts on the primary
 10 election ballot as prescribed by IC 3-10-1-19, but without party
 11 designation.

12 (b) Voting and tabulation of votes shall be conducted in the same
 13 manner as in primary elections under IC 3-10-1. The candidates elected
 14 from each board member district and at large shall be the persons
 15 having the greatest number of votes. If in the first election more than
 16 two (2) candidates in any one (1) board member district shall be among
 17 those who received the greatest number of votes or if in any subsequent
 18 election more than one (1) person shall be among those who received
 19 the greatest number of votes, then the candidate or candidates
 20 respectively receiving the next greatest number of votes in other board
 21 member districts respectively shall be declared elected. In the event of
 22 a tie vote for any of said candidates, the judge of the circuit court shall
 23 select one (1) of said candidates who shall be declared and certified
 24 elected.

25 (c) If at any time there shall occur a vacancy or vacancies on the
 26 board for any reason including the failure of the sufficient number of
 27 petitions for candidates being filed, it shall be the duty of the judge of
 28 the circuit court to fill said vacancies by appointing a person or persons
 29 from the respective board member district or districts to serve for the
 30 term or balance of terms respectively.

31 (d) At the first primary election wherein members of the county
 32 board of education shall be elected, the three (3) candidates who
 33 receive the highest number of votes in each of the respective board
 34 member districts shall be elected for four (4) year terms and the two (2)
 35 candidates from different districts receiving the next highest number
 36 of votes respectively shall be elected for two (2) year terms. All
 37 candidates for membership on the county board of education shall be
 38 voted upon by the voters in the county school corporation district only
 39 and shall be elected for four (4) year terms after the first election and
 40 shall take office and assume their duties one (1) week after their
 41 election.

42 (e) **This section applies before July 1, 2006.**

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1 SECTION 26. IC 20-4-8-8.5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2005]: **Sec. 8.5. (a) This section applies after June 30, 2006.**
 4 **(b) At the time provided by IC 3-8-2.5 for filing a declaration of**
 5 **candidacy for the general election following the creation of the**
 6 **county school corporation as provided in this chapter, nominations**
 7 **for members of the board of education of the county school**
 8 **corporation shall be made by a petition signed by the nominee and**
 9 **by ten (10) voters of the county residing in the same board member**
 10 **district as the nominee. The petition shall be filed with the clerk of**
 11 **the circuit court for the county. The nominations shall be listed by**
 12 **board member districts on the general election ballot as prescribed**
 13 **by IC 3-11-2, but without party designation.**
 14 **(c) Voting and tabulation of votes shall be conducted in the same**
 15 **manner as in general elections under IC 3. The candidates elected**
 16 **from each board member district and at large are the persons**
 17 **having the greatest number of votes. If in the first election more**
 18 **than two (2) candidates in any one (1) board member district are**
 19 **among those who received the greatest number of votes or if in any**
 20 **subsequent election more than one (1) person is among those who**
 21 **received the greatest number of votes, the candidate or candidates**
 22 **respectively receiving the next greatest number of votes in other**
 23 **board member districts respectively are elected. If there is a tie**
 24 **vote for any of the candidates, the judge of the circuit court shall**
 25 **select one (1) of the candidates who shall be declared and certified**
 26 **elected.**
 27 **(d) If at any time a vacancy occurs on the board for any reason,**
 28 **including the failure to file a sufficient number of petitions for**
 29 **candidates, the judge of the circuit court shall fill the vacancy by**
 30 **appointing a person from the board member district in which the**
 31 **vacancy exists to serve for the balance of the term.**
 32 **(e) At the first general election where members of the county**
 33 **board of education are to be elected, the three (3) candidates who**
 34 **receive the highest number of votes in each of the respective board**
 35 **member districts shall be elected for four (4) year terms and the**
 36 **two (2) candidates from different districts receiving the next**
 37 **highest number of votes respectively shall be elected for two (2)**
 38 **year terms. Only voters in the county school corporation district**
 39 **are entitled to vote for candidates for the county board of**
 40 **education. Board members are elected for four (4) year terms after**
 41 **the first election and shall take office and assume their duties**
 42 **January 1 following the election. However, board members elected**

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1 **in the first election shall take office after their election is certified.**

2 SECTION 27. IC 20-4-8-16 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The first
4 metropolitan board of education shall be composed of the respective
5 trustees and members of school boards of the school corporations
6 forming the same who shall serve ex officio as members thereof subject
7 to all the laws relative to length of terms, powers of election, or
8 appointment and filling vacancies applicable to their respective offices.

9 ~~Provided, however, That~~ (b) If, with respect to any metropolitan
10 school district created after March 15, 1963, the operation of this
11 provision results in there being only two (2) board members, such two
12 (2) members shall appoint a third board member within ten (10) days
13 following the creation of such metropolitan school district. In the event
14 such two (2) members are unable to agree on, or do not make, the
15 appointment of a third board member within such period, ~~he~~ **the board**
16 **member** shall be appointed within twenty (20) days following the
17 creation of such district by the judge of the circuit court of the county
18 in which such metropolitan school district is located, or in the event it
19 is located in two (2) or more counties, by the judge of the circuit court
20 of the county containing that portion of the metropolitan school district
21 having more pupils than the portion or portions located in any other
22 county or counties. The members of the metropolitan board of
23 education shall serve until their successors are elected or appointed and
24 qualified.

25 (c) The first meeting of the first board of education shall be held
26 within one (1) month following the creation of such metropolitan
27 school district. It shall be called by the superintendent of schools, or
28 township trustee of a school township, of the school corporation in said
29 district having the largest number of pupils. At such first meeting the
30 board shall organize, and during the first ten (10) days of each
31 succeeding July, **before July 1, 2006**, it shall reorganize, by electing
32 a president, a vice president, a secretary, and a treasurer. **After June**
33 **30, 2006, each year during the first ten (10) days after the board**
34 **members that are elected or appointed to a new term take office,**
35 **the board shall reorganize by electing a president, a vice president,**
36 **a secretary, and a treasurer.**

37 (d) The secretary of the board shall keep an accurate record of the
38 minutes of the board, which ~~minutes~~ shall be kept in said
39 superintendent's office. Whenever such metropolitan school district
40 shall be formed, the metropolitan superintendent shall act as
41 administrator of the board and shall carry out such acts and duties as
42 shall be designated by the board. A quorum shall consist of a majority

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1 of the members of the board which in all cases shall be required for the
2 transaction of business. The vote of a majority of those present shall be
3 required for any motion, ordinance, or resolution to pass.

4 (e) The board shall conduct its affairs in the manner prescribed
5 herein elsewhere for conduct of metropolitan boards of education, shall
6 except in unusual cases hold its meetings at the office of the
7 metropolitan superintendent of schools or at a place mutually
8 designated by the board and the superintendent, and shall maintain all
9 records and transact all business from such place.

10 (f) The metropolitan board of education shall have the power to pay
11 to each member of the board a reasonable per diem for service on the
12 board not to exceed one hundred twenty-five dollars (\$125) per year
13 and for travel to and from their homes to the place of meeting within
14 the district, a sum for mileage equal to that sum per mile paid to state
15 officers and employees. The rate per mile shall change each time the
16 state government changes its rate per mile.

17 SECTION 28. IC 20-4-8-18 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) Members of the
19 metropolitan board of education shall be elected by the registered
20 voters of the metropolitan school district at the primary elections held
21 biennially in the state, commencing with the next primary election
22 which is held more than sixty (60) days after the creation of the
23 metropolitan school district as provided in this chapter. Nominations
24 for each member of the board of education shall be made by a petition
25 signed by the nominee and by ten (10) registered voters residing in the
26 same board member district as the nominee. Such petition shall be filed
27 not earlier than the date on which a petition of nomination may first be
28 filed under IC 3-8-6-10 and not later than noon on the last date
29 provided by IC 3-8-2-4 for the filing of a declaration of candidacy for
30 the primary election with the clerk of the circuit court in each county
31 in which such metropolitan school district is located.

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

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election.
(c) Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in primary elections are conducted, and the candidates having the greatest number of votes shall be elected. If more than the maximum number which may be elected from any board member district as provided in section 15 of this chapter are among those having the greatest number of votes, the lowest of those candidates from such board member district in excess of such maximum number shall be eliminated in determining the candidates who are elected. In the event of a tie vote for any of said candidates, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of said candidates who shall be declared and certified elected.
(d) If at any time after the first board member election there shall occur a vacancy on the board for any reason including the failure of the sufficient number of petitions for candidates being filed, and whether the vacating member was elected or appointed, the remaining members of the metropolitan board of education, whether or not a majority of the board, shall by a majority vote fill such vacancy by appointing a person from the board member district from which the person who vacated the board membership was elected, or if such person was appointed, the board member district from which the last elected predecessor of such person was elected. In the event of a tie vote among the remaining members of the board or their failure to act within thirty (30) days after any such vacancy occurs, it shall be the duty of the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside to make such appointment. A successor to such appointive board member shall be elected at the next primary election which is held more than sixty (60) days after any elected board member vacates membership on the board, or at the primary election held immediately prior to the end of the term for which such vacating member was elected, whichever is sooner. Unless such successor takes office at the end of the term of such vacating member, the member shall serve only for the balance of such term. In any election of a successor board member to fill a vacancy for a two (2) year balance of a term, nominating petitions for school board membership candidacy need not be filed for or with reference to the vacancy. However, as required by IC 3-11-2-14.5, candidates for at-large seats shall be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the lowest number of votes at the election at which such successor is elected shall

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1 serve for such two (2) year term.

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

13 **(f) This section applies before July 1, 2006.**

14 SECTION 29. IC 20-4-8-18.3 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2005]: **Sec. 18.3. (a) This section applies after
17 June 30, 2006.**

18 **(b) The registered voters of the metropolitan school district shall
19 elect the members of the metropolitan board of education at
20 general elections held biennially commencing with the next general
21 election that is held more than sixty (60) days after the creation of
22 the metropolitan school district as provided in this chapter.**

23 **(c) Each nominee for the board of education shall file a petition
24 signed by the nominee and by ten (10) registered voters residing in
25 the same board member district as the nominee. The petition shall
26 be filed in accordance with IC 3-8-2.5 with the clerk of the circuit
27 court in each county in which the metropolitan school district is
28 located.**

29 **(d) Nominees for the metropolitan board of education shall be
30 listed on the general election ballot:**

- 31 **(1) in the form prescribed by IC 3-11-2;**
32 **(2) by board member districts; and**
33 **(3) without party designation.**

34 **The ballot must state the number of board members to be voted on
35 and the maximum number that may be elected from each board
36 member district as provided under section 15 of this chapter.**

37 **(e) A ballot that contains more votes than the maximum number
38 allowed from a board member district is invalid. The precinct
39 election boards in each county serving at the general election shall
40 conduct the election for members of the metropolitan board of
41 education. Each registered voter may vote in the school board
42 election without otherwise voting in the general election.**

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1 (f) Voting and tabulation of votes shall be conducted in
2 accordance with IC 3, and the candidates having the greatest
3 number of votes are elected to the metropolitan school board.

4 (g) If, in an election of members of a metropolitan board of
5 education, there are more candidates from a particular board
6 member district than may be elected from the board member
7 district under section 15 of this chapter:

8 (1) the number of candidates elected is the highest number
9 that may be elected from the board member district;

10 (2) the candidates elected are those who, among the
11 candidates from the board member district, received the
12 highest number of votes; and

13 (3) the other candidates from the board member district are
14 eliminated.

15 (h) If there is a tie vote among the candidates for the
16 metropolitan board of education, the judge of the circuit court in
17 the county where the majority of the registered voters of the
18 metropolitan school district reside shall select one (1) of the
19 candidates who shall be declared and certified elected.

20 (i) If, at any time after the first board member election, a
21 vacancy on the metropolitan board of education occurs for any
22 reason, including an insufficient number of petitions for candidates
23 being filed, and regardless of whether the vacating member was
24 elected or appointed, the remaining members of the metropolitan
25 board of education, whether or not a majority of the board, shall
26 by a majority vote fill the vacancy by:

27 (1) appointing a person from the board member district from
28 which the person who vacated the board was elected; or

29 (2) if the person was appointed, appointing a person from the
30 board member district from which the last elected
31 predecessor of the person was elected.

32 If a majority of the remaining members of the board is unable to
33 agree or the board fails to act within thirty (30) days after a
34 vacancy occurs, the judge of the circuit court in the county where
35 the majority of registered voters of the metropolitan school district
36 reside shall make the appointment.

37 (j) At a general election held the earlier of:

38 (1) more than sixty (60) days after an elected board member
39 vacates membership on the board; or

40 (2) immediately before the end of the term for which the
41 vacating member was elected;

42 a successor to the appointed board member shall be elected. Unless

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1 the successor takes office at the end of the term of the vacating
 2 member, the member shall serve only for the balance of the
 3 vacating member's term. In any election for a successor board
 4 member to fill a vacancy for the balance of a term, candidates for
 5 school board membership need not file for or with reference to the
 6 vacancy. The candidate who receives the lowest number of votes at
 7 the election shall serve as the successor board member for the
 8 balance of the term.

9 (k) At the first general election where members of the
 10 metropolitan board of education shall be elected under this section,
 11 a simple majority of the elected candidates who receive the highest
 12 number of votes shall be elected for four (4) year terms and the
 13 balance of the elected candidates who receive the lower number of
 14 votes shall be elected for two (2) year terms.

15 (l) Board members shall be elected for four (4) year terms after
 16 the first election and shall take office January 1 following the
 17 election.

18 SECTION 30. IC 20-4-8-24 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. (a) As used in this
 20 section, "school township" means any school township of this state
 21 which:

22 (1) for the last full school semester immediately preceding the
 23 adoption of a preliminary resolution by the township trustee and
 24 the township board under subsection (f) or their adoption of a
 25 resolution of disapproval under subsection (g) had an average
 26 daily membership (as defined in IC 21-3-1.6-1.1(d)) of six
 27 hundred (600) pupils in kindergarten through grade 12 in the
 28 public schools of such school township; or

29 (2) is part of a civil township in which there were more votes cast
 30 for township trustee outside the school township than inside the
 31 township in the general election at which such trustee was elected
 32 and that last preceded the adoption of such preliminary or
 33 disapproving resolution.

34 (b) As used in this section, "township trustee" means the township
 35 trustee of the civil township in which such school township is located.

36 (c) As used in this section, "township board" means the township
 37 board of the civil township in which such school township is located.

38 (d) As used in this section, "county" means the county in which such
 39 school township is located.

40 (e) In any school township, there may be created a metropolitan
 41 school district by complying with this section. Such metropolitan
 42 school district shall have the same boundaries as the school township.

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1 After such district has been created, the school township out of which
 2 the metropolitan school district was created shall be abolished. None
 3 of the procedures or provisions governing the creation of a
 4 metropolitan school district under any other section of this chapter are
 5 applicable to the creation of such district under this section. After such
 6 district is created under this section, the metropolitan school district
 7 shall, except as otherwise provided in this section, be governed by and
 8 operate in accordance with this chapter governing the operation of a
 9 metropolitan school district as established under section 12 of this
 10 chapter.

11 (f) A metropolitan school district provided for in subsection (e) may
 12 be created in the following manner:

13 (1) The township trustee shall call a meeting of the township
 14 board. At such meeting the township trustee and a majority of the
 15 township board shall adopt a resolution that a metropolitan school
 16 district shall be created in the school township. The township
 17 trustee shall then give notice by publication by two (2) insertions
 18 one (1) week apart in a newspaper of general circulation
 19 published in the school township, or if there be no such
 20 newspaper, then in a newspaper of general circulation in the
 21 county, of the adoption of such resolution setting forth the text of
 22 the resolution.

23 (2) On the thirtieth day following the date of the last publication
 24 of such notice, and if no protest has been filed, the township
 25 trustee and a majority of the township board shall confirm their
 26 preliminary resolution. If, however, on or before the twenty-ninth
 27 day following the date of the last publication of such notice, a
 28 number of registered voters of the school township, equal to five
 29 percent (5%) or more of the number of votes cast in the school
 30 township for secretary of state at the last preceding general
 31 election for that office, sign and file with the township trustee a
 32 petition requesting an election in the school township to
 33 determine whether or not a metropolitan school district shall be
 34 created in the township in accordance with such preliminary
 35 resolution, then an election shall be held as provided in
 36 subsection (h). The preliminary resolution and confirming
 37 resolution provided in this subsection shall each be adopted at a
 38 meeting of the township trustee and township board of which
 39 meeting the township trustee and each member of the township
 40 board received or waived a written notice of the time, place, and
 41 purpose of the meeting. Such resolution and the proof of service
 42 or waiver of such notice shall be made a part of the records of the

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1 township board.

2 (g) A metropolitan school district provided for in subsection (e) may

3 also be created in the following manner:

4 (1) A number of registered voters of the school township, equal

5 to five percent (5%) or more of the votes cast in the school

6 township for secretary of state at the last general election for that

7 office, shall sign and file with the township trustee a petition

8 requesting the creation of a metropolitan school district under this

9 section.

10 (2) The township trustee and a majority of the township board

11 shall, within ten (10) days after the filing of a petition, either

12 adopt a preliminary resolution that a metropolitan school district

13 shall be created in the school township and proceed as provided

14 in subsection (f) or adopt a resolution disapproving such creation.

15 (3) If either the township trustee or a majority of township board

16 members vote in favor of such disapproving resolution, an

17 election shall be held to determine whether or not a metropolitan

18 school district shall be created in the school township in the same

19 manner as is provided in subsection (f) where an election is

20 requested by petition.

21 (h) Any election required under subsection (f) or (g) may, at the

22 option of the township trustee, be held either as a special election or in

23 conjunction with any primary or general election to be held within one

24 hundred twenty (120) days after the filing of such petition under

25 subsection (f) or the adoption of such disapproving resolution under

26 subsection (g). The township trustee shall certify the question to the

27 county election board under IC 3-10-9-3 and give notice of such

28 election by two (2) insertions one (1) week apart in a newspaper of

29 general circulation in the school township, or if there is no such

30 newspaper, then in a newspaper of general circulation published in the

31 county. Such notice shall provide that on a day and at an hour named

32 in the notice, the polls shall be opened at the usual voting places in the

33 various precincts in the school township for the purpose of taking the

34 vote of the registered voters of the school township upon whether a

35 metropolitan school district shall be created in the township. Such

36 election shall be held not less than twenty (20) days and not more than

37 thirty (30) days following the last publication of such notice unless a

38 primary or general election will be conducted within six (6) months

39 after the publication. In that case, the county election board shall place

40 the public question on the ballot at the primary or general election. In

41 the event such election is to be a special election, the township trustee

42 shall give such notice within thirty (30) days after the filing of such

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petition or the adoption of such disapproving resolution.

(i) On the day and hour named in such notice, the polls shall be opened and the votes of the voters shall be taken upon the question of whether a metropolitan school district shall be created in the school township. Such election shall be governed by IC 3 except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall a metropolitan school district under IC 20-4-8 be formed in the _____ School Township of _____ County, Indiana?". (In which blanks the name of the school township shall be inserted.)

(j) The votes cast in such election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder of the county. If the special election is not conducted at a primary or general election, the expense of holding the election shall be paid by the school township out of the special school fund which is hereby appropriated for such purpose.

(k) Such metropolitan school district shall, subject to section 17 of this chapter, be created and come into being on the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the holding of an election under subsection (h). In the event any public official shall fail to do the official's duty within the time prescribed in this section, this omission shall not invalidate the proceedings taken under this section. No action to contest the validity of the formation or creation of such metropolitan school district under this section, to declare that it has not been validly formed or created or is not validly existing, or to enjoin its operation shall be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the holding of an election under subsection (h). Notwithstanding this section, no election under this subsection shall be held sooner than twelve (12) months following any other such election held under subsection (h).

(l) Such metropolitan school district shall be known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in any metropolitan school district created in accordance with this section shall consist of five (5) members. The township trustee and the township board members shall be ex officio members of such first board, subject to all the laws relative to length of their

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1 respective terms of office, manner of election or appointment, and the
 2 filling of vacancies applicable to their respective offices. Such ex
 3 officio members serve without other compensation or reimbursement
 4 for expense than that to which their respective offices entitle them. The
 5 township board shall, by a resolution duly recorded in its records,
 6 appoint the fifth member of such metropolitan board of education. Such
 7 fifth member shall meet all of the qualifications of a member of a
 8 metropolitan board of education under this chapter, with the exception
 9 of the board member district requirements provided in sections 14, 15,
 10 ~~and~~ 18, **and 18.3** of this chapter, which shall not apply to such fifth
 11 board member.

12 (m) **This subsection applies before July 1, 2005.** Such fifth board
 13 member shall be appointed within fifteen (15) days following the date
 14 of the adoption of the confirming resolution under subsection (f)(2) or
 15 of the holding of an election under subsection (h). Such first board
 16 shall hold its first meeting within fifteen (15) days thereafter on a date
 17 established by the township board in the resolution in which it appoints
 18 such fifth board member. The first board shall serve until July 1 next
 19 following the election of a metropolitan school board at the first
 20 primary election held more than sixty (60) days following the creation
 21 of the metropolitan school district.

22 (n) **This subsection applies after June 30, 2005. The fifth board**
 23 **member shall be appointed within fifteen (15) days after the**
 24 **adoption of the confirming resolution under subsection (f)(2) or of**
 25 **the holding of an election under subsection (h). The first board**
 26 **shall hold its first meeting within fifteen (15) days after the**
 27 **appointment of the fifth board member on a date established by the**
 28 **township board in the resolution in which the township board**
 29 **appoints the fifth board member. The first board shall serve**
 30 **through January 1 following the election of a metropolitan school**
 31 **board at the first general election held more than sixty (60) days**
 32 **after the creation of the metropolitan school district.**

33 (o) After the creation of a metropolitan school district in
 34 accordance with this section, the president of the metropolitan school
 35 board of such district shall serve as a member of the county board of
 36 education and perform the duties on the county board of education that
 37 were previously performed by the township trustee as provided by law.
 38 The metropolitan school board and superintendent of such district shall
 39 be entitled to call upon the assistance of, and use any of the services
 40 provided by, the county superintendent of schools. This subsection
 41 shall not, however, limit or take away the powers, rights, privileges, or
 42 duties of such metropolitan school district or the board or

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1 superintendent of such district provided in this chapter.
 2 SECTION 31. IC 20-4-10.1-2 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Any plan or
 4 proposed plan shall contain at least the following items:
 5 (1) The number of members of the governing body, which shall
 6 be either three (3), five (5), or seven (7).
 7 (2) Whether the governing board shall be elected or appointed.
 8 (3) If appointed, when and by whom, and a general description of
 9 the manner of appointment that conforms with the requirements
 10 of IC 20-4-1-26.3.
 11 (4) If elected:
 12 (A) for a plan that is final before July 1, 2005, whether the
 13 election shall be at the primary or at the general election at
 14 which county officials are nominated or elected; or
 15 (B) for a plan that is final after June 30, 2005, a statement
 16 that the election shall be at a general election at which
 17 county officials are nominated or elected;
 18 and a general description of the manner of election that conforms
 19 with the requirements of IC 20-4-1-26.2.
 20 (5) The limitations, if any, on residence, term of office, and other
 21 qualifications required by members of the governing body.
 22 (6) The time when the plan takes effect.
 23 Any plan or proposed plan may have any additional details, necessary
 24 or desirable, to make the provisions of the plan workable. The details
 25 may include provisions relating to the commencement or length of
 26 terms of office of any members of the governing body taking office
 27 under the plan.
 28 (b) Notwithstanding subsection (a)(1), in a city having a population
 29 of more than fifty-nine thousand seven hundred (59,700) but less than
 30 sixty-five thousand (65,000), the governing body described in a plan
 31 may have as many as nine (9) members.
 32 SECTION 32. IC 20-4-10.1-15 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. ~~Limitation on~~
 34 ~~Elections and Adoption of Plan. No~~ (a) ~~An election shall~~ may not be
 35 held under this chapter more than once each eighteen (18) months. ~~No~~
 36 ~~plan for any A~~ governing body may be ~~adopted~~ not adopt a plan more
 37 than once each six (6) years, except:
 38 (1) ~~where the plan provides solely for changing the time of voting~~
 39 ~~of board members from the primary to the general election; or~~
 40 ~~from the general to the primary election;~~
 41 (2) (1) in the event any plan adopted is declared or held to be
 42 invalid by a binding judgment or order in any United States or

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1 Indiana court from which no appeal or further approval can be
2 taken; or
3 ~~(3)~~ **(2)** where the plan provides solely for changes in items
4 specified in ~~section 2(5)~~ **section 2(a)(5)** of this chapter.

5 **(b) After June 30, 2006, board members are elected at the**
6 **general election.**

7 SECTION 33. IC 20-4-19-5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The board
9 members of the merged school corporation shall be elected at the first
10 **primary general** election following its creation, and vacancies shall be
11 filled in accordance with IC 20-4-1-26.5.

12 (b) Until ~~such~~ **the** first election **described in subsection (a)**, the
13 board of trustees of the merged school corporation shall consist of the
14 members of the governing body of any school corporation in the county
15 other than a school township and the township trustee of any school
16 township in the county.

17 (c) The first board of trustees shall select the name of the merged
18 school corporation by a majority vote. Such name may be changed
19 from time to time by unanimous vote of the governing body of the
20 merged school corporation.

21 SECTION 34. [EFFECTIVE JULY 1, 2005] **(a) As used in this**
22 **SECTION, "governing body" refers to the governing body of a**
23 **school corporation subject to IC 20-3-21.**

24 **(b) Notwithstanding IC 20-3-21-8, as amended by this act, the**
25 **term of a member of the governing body elected under**
26 **IC 20-3-21-9(a)(1), as amended by this act, at the 2004 primary**
27 **election expires January 1, 2007. The successor of such a member**
28 **of the governing body shall be elected at the 2006 general election.**

29 **(c) Notwithstanding IC 20-3-21-8, as amended by this act, the**
30 **term of a member of the governing body elected under**
31 **IC 20-3-21-9(a)(2), as amended by this act, at the 2006 primary**
32 **election expires January 1, 2009. The successor of such a member**
33 **of the governing body shall be elected at the 2008 general election.**

34 **(d) Notwithstanding IC 20-3-21-8, as amended by this act, the**
35 **term of the at-large member elected under IC 20-3-21-9(a)(3), as**
36 **amended by this act, at the 2004 primary election expires January**
37 **1, 2007. The successor of this member of the governing body shall**
38 **be elected at the 2006 general election.**

39 **(e) This SECTION expires January 1, 2009.**

40 SECTION 35. [EFFECTIVE JULY 1, 2005] **(a) As used in this**
41 **SECTION, "governing body" refers to the governing body of a**
42 **school corporation subject to IC 20-3-22.**

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1 (b) Notwithstanding IC 20-3-22-8, as amended by this act, the
2 term of a member of the governing body elected under
3 IC 20-3-21-9(a)(1), as amended by this act, at the 2004 primary
4 election expires January 1, 2007. The successor of such a member
5 of the governing body shall be elected at the 2006 general election.

6 (c) Notwithstanding IC 20-3-22-8, as amended by this act, the
7 term of a member of the governing body elected under
8 IC 20-3-22-9(a)(2), as amended by this act, at the 2006 primary
9 election expires January 1, 2009. The successor of such a member
10 of the governing body shall be elected at the 2008 general election.

11 (d) This SECTION expires January 1, 2009.

12 SECTION 36. [EFFECTIVE JULY 1, 2005] (a) As used in this
13 SECTION, "governing body" refers to the governing body of a
14 school corporation subject to IC 20-4-3.

15 (b) Notwithstanding IC 20-4-3-2(b), as amended by this act, the
16 term of a member of the governing body elected under
17 IC 20-4-3-1(b), as amended by this act, at the 2004 primary
18 election expires January 1, 2007. The successor of such a member
19 of the governing body shall be elected at the 2006 general election.

20 (c) Notwithstanding IC 20-4-3-2(b), as amended by this act, the
21 term of a member of the governing body elected under
22 IC 20-4-3-1(c), as amended by this act, at the 2006 primary election
23 expires January 1, 2009. The successor of such a member of the
24 governing body shall be elected at the 2008 general election.

25 (d) This SECTION expires January 1, 2009.

26 SECTION 37. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
27 IC 20-3-11-3.1, IC 20-4-1-26.5, IC 20-4-8-8, and IC 20-4-8-18, all as
28 amended by this act, and IC 20-4-10.1-3, a person elected to a
29 school board office at the following primary elections shall serve a
30 term of office as follows:

31 (1) A person elected to a school board office at the primary
32 election held in 2004 shall serve a term of office that expires
33 on January 1, 2007. The successor of such a person shall be
34 elected at the 2006 general election. The term of office of the
35 successor of such a person begins January 1, 2007.

36 (2) A person elected to a school board office at the primary
37 election to be held in 2006 shall serve a term of office that
38 expires on January 1, 2009. The successor of such a person
39 shall be elected at the 2008 general election. The term of office
40 of the successor of such a person begins January 1, 2009.

41 (b) This SECTION expires January 1, 2009.

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