



April 15, 2011

**ENGROSSED
HOUSE BILL No. 1074**

DIGEST OF HB 1074 (Updated April 13, 2011 5:33 pm - DI 102)

Citations Affected: IC 3-5; IC 3-8; IC 3-10; IC 5-9; IC 20-23; IC 20-25; IC 33-33; noncode.

Synopsis: Selection of school board members. Provides that, beginning in 2012, school board members selected by election must be elected at general elections and take office the following January 1. Provides that a school board plan may be amended to allow for both election and appointment of the members of the school board. Allows a change in a school board plan to be initiated by the filing of a petition signed by at least 10% of the voters of the school corporation with the clerk of the circuit court. (Under current law, a petition initiating a change in a school board plan must be signed by at least 20% of the voters of the school corporation.) Provides for a public question to be placed on the ballot at the 2011 municipal election in Mishawaka asking the voters whether the method of choosing members of the governing body of the Mishawaka school corporation should be
(Continued next page)

Effective: July 1, 2011.

Frizzell, Noe, Smith V, Fry C

(SENATE SPONSORS — LAWSON C, LANDSKE)

January 5, 2011, read first time and referred to Committee on Elections and Apportionment.

February 17, 2011, amended, reported — Do Pass.

March 29, 2011, read second time, amended, ordered engrossed.

March 30, 2011, engrossed. Read third time, passed. Yeas 73, nays 24.

SENATE ACTION

March 31, 2011, read first time and referred to Committee on Elections.

April 14, 2011, amended, reported favorably — Do Pass.

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Digest Continued

changed. Establishes, if the voters of Mishawaka approve the public question, a governing body of five members, three of whom are elected at large by the voters of the city, one of whom is appointed by the city executive, and one of whom is appointed by the city legislative body. Provides other details of the organization of the governing body. Provides for the election rather than the appointment of the members of the school board for the city of East Chicago and adds certain other provisions concerning the composition and organization of the school board. Repeals provisions related to the election of school board members at the primary election.

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April 15, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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ENGROSSED HOUSE BILL No. 1074

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

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

1 SECTION 1. IC 3-5-4-11 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 11. (a) As used in this section, "governing body"**
4 **refers to the governing body of a school corporation subject to any**
5 **of the following:**
6 (1) IC 20-23-4-30.
7 (2) IC 20-23-7-8 (before its repeal on July 1, 2011) and
8 IC 20-23-7-8.1 (after June 30, 2011).
9 (3) IC 20-23-8-8.
10 (4) IC 20-23-10-8.
11 (5) IC 20-23-12.
12 (6) IC 20-23-13.
13 (7) IC 20-23-14.
14 (8) IC 20-25-3-4.
15 (b) This subsection applies to a member of a governing body
16 elected at the 2008 primary election. The successor of such a
17 member shall:

EH 1074—LS 6675/DI 102+



1 **(1) be elected at the 2012 general election; and**
 2 **(2) take office January 1, 2013.**
 3 **(c) This subsection applies to a member of a governing body**
 4 **elected at the 2010 primary election. The successor of such a**
 5 **member shall:**

6 **(1) be elected at the 2014 general election; and**
 7 **(2) take office January 1, 2015.**
 8 **(d) This section expires July 1, 2016.**

9 SECTION 2. IC 3-8-2-2.2, AS AMENDED BY P.L.1-2005,
 10 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 2.2. (a) A candidate for a school board office must
 12 file a petition of nomination in accordance with IC 3-8-6 and as
 13 required under IC 20-23-12, IC 20-23-14, **IC 20-23-17, IC 20-23-17.2,**
 14 or IC 20-23-4. The petition of nomination, once filed, serves as the
 15 candidate's declaration of candidacy for a school board office.

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

22 SECTION 3. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) A person who files a
 24 declaration of candidacy for an elected office for which a per diem or
 25 salary is provided for by law is disqualified from filing a declaration of
 26 candidacy for another office for which a per diem or salary is provided
 27 for by law until the original declaration is withdrawn.

28 (b) A person may file both:
 29 (1) a declaration of candidacy under this chapter for nomination
 30 to a federal or state office; and
 31 (2) a written request under IC 3-8-3-1 that the person's name be
 32 placed on the ballot in a primary election as a candidate for
 33 nomination for the office of President of the United States.

34 (c) A person may not file:
 35 (1) a declaration of candidacy for a nomination; and
 36 (2) a petition of nomination or declaration of intent to be a
 37 write-in candidate for a school board office that is elected at the
 38 same time as the primary election.

39 If a person files both a declaration of candidacy and a petition of
 40 nomination described in this subsection, the matter shall be referred to
 41 the county election board under section 18 of this chapter. The board
 42 shall determine which document was most recently filed and shall

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1 consider the previously filed document to have been withdrawn.
 2 SECTION 4. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) Upon receipt of the certified
 4 list under section 17 of this chapter, a county election board shall
 5 immediately compile under the proper political party designation the
 6 following:
 7 (1) The title of each office.
 8 (2) The name of each individual who has filed a request to be
 9 placed on the presidential primary ballot.
 10 (3) The names and addresses of all persons for whom declarations
 11 of candidacy have been filed for nomination to an office on the
 12 primary election ballot.
 13 ~~(4) The names and addresses of all persons who have filed a~~
 14 ~~petition of nomination for election to a school board office to be~~
 15 ~~chosen at the same time as the primary election.~~
 16 ~~(5) (4) The text of any public question to be placed on the ballot.~~
 17 ~~(6) (5) The date of the primary election.~~
 18 ~~(7) (6) The hours during which the polls will be open.~~
 19 (b) The county election board shall do the following:
 20 (1) Publish the information described in subsection (a) before the
 21 primary election in accordance with IC 5-3-1.
 22 (2) File a copy of the information described in subsection (a):
 23 (A) with the election division; and
 24 (B) in the minutes of the county election board.
 25 (c) The county election board shall file the copies required under
 26 subsection (b)(2) not later than noon ten (10) days before election day.
 27 (d) An election is not invalidated by the failure of the board to
 28 comply with this section.
 29 (e) If the county election board receives an amendment from the
 30 election division under section 17 of this chapter after:
 31 (1) compilation of the information described in subsection (a) has
 32 occurred; or
 33 (2) the board determines that it is impractical to recompile
 34 completely revised information;
 35 the board is only required to file a copy of the amendment with the
 36 minutes of the board.
 37 SECTION 5. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS
 38 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2011]:
 40 **Chapter 2.5. Nomination for School Board Office**
 41 **Sec. 1. This chapter applies to a candidate for a school board**
 42 **office.**

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Vote for one (1) 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) Circuit court clerk.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner.
 - (I) County council member.
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.

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- 1 (C) Township board member.
- 2 (D) Judge of the small claims court.
- 3 (E) Constable of the small claims court.
- 4 (6) City offices:
- 5 (A) Mayor.
- 6 (B) Clerk or clerk-treasurer.
- 7 (C) Judge of the city court.
- 8 (D) City-county council member or common council member.
- 9 (7) Town offices:
- 10 (A) Clerk-treasurer.
- 11 (B) Judge of the town court.
- 12 (C) Town council member.
- 13 (c) The political party offices with candidates for election shall be
- 14 placed on the primary election ballot in the following order after the
- 15 offices described in subsection (b):
- 16 (1) Precinct committeeman.
- 17 (2) State convention delegate.
- 18 (d) The following offices and public questions shall be placed on the
- 19 primary election ballot in the following order after the offices described
- 20 in subsection (c):
- 21 ~~(1) School board offices to be elected at the primary election.~~
- 22 ~~(2) Other (1) Local offices to be elected at the primary election.~~
- 23 ~~(3) (2) Local public questions.~~
- 24 (e) The offices and public questions described in subsection (d)
- 25 shall be placed:
- 26 (1) in a separate column on the ballot if voting is by paper ballot;
- 27 (2) after the offices described in subsection (c) in the form
- 28 specified in IC 3-11-13-11 if voting is by ballot card; or
- 29 (3) either:
- 30 (A) on a separate screen for each office or public question; or
- 31 (B) after the offices described in subsection (c) in the form
- 32 specified in IC 3-11-14-3.5;
- 33 if voting is by an electronic voting system.
- 34 (f) A public question shall be placed on the primary election ballot
- 35 in the following form:
- 36 (The explanatory text for the public question,
- 37 if required by law.)
- 38 "Shall (insert public question)?"
- 39 YES
- 40 NO

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41 SECTION 7. IC 3-10-1-19.2 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19.2. (a) Whenever



1 candidates are to be nominated for an office that includes more than
2 one (1) district, the districts shall be placed on the ballot in alphabetical
3 or numerical order, according to the designation given to the district.

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

9 (c) ~~This subsection applies to a school board office or political~~
10 ~~office to be elected at the primary election ballot.~~ Candidates for a
11 ~~school board office or a political party office~~ shall be placed on the
12 ballot in accordance with the rules applicable to candidates for
13 nomination to an office under subsections (a) and (b).

14 SECTION 8. IC 3-10-1-32 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 32. Primary election
16 returns must contain the whole number of votes cast for **each of the**
17 **following:**

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

22 SECTION 9. IC 5-9-4-8, AS AMENDED BY P.L.1-2005,
23 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2011]: Sec. 8. (a) Except as provided in subsection (b), during
25 the officeholder's leave of absence, the officeholder's office must be
26 filled by a temporary appointment made under:

- 27 (1) IC 3-13-4;
- 28 (2) IC 3-13-5;
- 29 (3) IC 3-13-6;
- 30 (4) IC 3-13-7;
- 31 (5) IC 3-13-8;
- 32 (6) IC 3-13-9;
- 33 (7) IC 3-13-10;
- 34 (8) IC 3-13-11;
- 35 (9) IC 20-23-4;
- 36 (10) IC 20-26;
- 37 (11) IC 20-23-12;
- 38 (12) IC 20-23-14;
- 39 (13) IC 20-23-15;
- 40 **(14) IC 20-23-17;**
- 41 **(15) IC 20-23-17.2;**
- 42 ~~(14)~~ **(16) IC 20-25-3;**

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1 ~~(+5)~~ (17) IC 20-25-4; or
2 ~~(+6)~~ (18) IC 20-25-5;
3 in the same manner as a vacancy created by a resignation is filled.
4 (b) For an officeholder who:
5 (1) is:
6 (A) a justice of the supreme court, a judge of the court of
7 appeals, or a judge of the tax court; or
8 (B) a judge of a circuit, city, county, probate, or superior court;
9 and
10 (2) is taking a leave of absence under this chapter;
11 the supreme court shall appoint a judge pro tempore to fill the
12 officeholder's office in accordance with the court's rules and
13 procedures.
14 (c) The person selected or appointed under subsection (a) or (b)
15 serves until the earlier of:
16 (1) the date the officeholder's leave of absence ends as provided
17 in section 10 of this chapter; or
18 (2) the officeholder's term of office expires.
19 (d) The person selected or appointed to an office under subsection
20 (a) or (b):
21 (1) assumes all the rights and duties of; and
22 (2) is entitled to the compensation established for;
23 the office for the period of the temporary appointment.
24 SECTION 10. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,
25 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]: Sec. 12. (a) In formulating a preliminary reorganization
27 plan and with respect to each of the community school corporations
28 that are a part of the reorganization plan, the county committee shall
29 determine the following:
30 (1) The name of the community school corporation.
31 (2) Subject to subsection (e), a general description of the
32 boundaries of the community school corporation.
33 (3) With respect to the board of school trustees, **the following:**
34 (A) Whether the number of members is:
35 (i) three (3);
36 (ii) five (5); or
37 (iii) seven (7).
38 (B) Whether the members are elected or appointed.
39 (C) If the members are appointed:
40 (i) when the appointments are made; and
41 (ii) who makes the appointments.
42 (D) If the members are elected, ~~whether that~~ the election is at

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- 1 (i) the primary election at which county officials are
2 nominated; or
3 (ii) the general election at which county officials are elected.
4 and

5 (E) Subject to sections 21 and 22 of this chapter, the manner
6 in which members are elected or appointed.

7 (4) The compensation, if any, of the members of the regular and
8 interim board of school trustees, which may not exceed the
9 amount provided in IC 20-26-4-7.

10 (5) Subject to subsection (f), qualifications required of the
11 members of the board of school trustees, including limitations on:

12 (A) residence; and

13 (B) term of office.

14 (6) If an existing school corporation is divided in the
15 reorganization, the disposition of assets and liabilities.

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

17 (b) If existing school corporations are not divided in the
18 reorganization, the:

19 (1) assets;

20 (2) liabilities; and

21 (3) obligations;

22 of the existing school corporations shall be transferred to and assumed
23 by the new community school corporation of which they are a part,
24 regardless of whether the plan provides for transfer and assumption.

25 (c) The preliminary plan must be supported by a summary statement
26 of **the following:**

27 (1) The educational improvements the plan's adoption will make
28 possible.

29 (2) Data showing the:

30 (A) assessed valuation;

31 (B) number of resident students in ADA in grades 1 through
32 12;

33 (C) assessed valuation per student referred to in clause (B);
34 and

35 (D) property tax levies;

36 of each existing school corporation to which the plan applies.

37 (3) The:

38 (A) assessed valuation;

39 (B) resident ADA; and

40 (C) assessed valuation per student;

41 data referred to in subdivision 2(A) through 2(C) that would have
42 applied for each proposed community school corporation if the

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1 corporation existed in the year the preliminary plan is prepared or
 2 notice of a hearing or hearings on the preliminary plan is given by
 3 the county committee. ~~and~~
 4 (4) Any other data or information the county committee considers
 5 appropriate or that may be required by the state board in its rules.
 6 (d) The county committee:
 7 (1) shall base the assessed valuations and tax levies referred to in
 8 subsection (c)(2) through (c)(3) on the valuations applying to
 9 taxes collected in:
 10 (A) the year the preliminary plan is prepared; or
 11 (B) the year notice of a hearing or hearings on the preliminary
 12 plan is given by the county committee;
 13 (2) may base the resident ADA figures on the calculation of the
 14 figures under the rules under which they are submitted to the state
 15 superintendent by existing school corporations; and
 16 (3) shall set out the resident ADA figures for:
 17 (A) the school year in progress if the figures are available for
 18 that year; or
 19 (B) the immediately preceding school year if the figures are
 20 not available for the school year in progress.
 21 The county committee may obtain the data and information referred to
 22 in this subsection from any source the committee considers reliable. If
 23 the county committee attempts in good faith to comply with this
 24 subsection, the summary statement referred to in subsection (c) is
 25 sufficient regardless of whether the statement is exactly accurate.
 26 (e) The general description referred to in subsection (a)(2) may
 27 consist of an identification of an existing school corporation that is to
 28 be included in its entirety in the community school corporation. If a
 29 boundary does not follow the boundary of an existing civil unit of
 30 government or school corporation, the description must set out the
 31 boundary:
 32 (1) as near as reasonably possible by:
 33 (A) streets;
 34 (B) rivers; and
 35 (C) other similar boundaries;
 36 that are known by common names; or
 37 (2) if descriptions as described in subdivision (1) are not possible,
 38 by section lines or other legal description.
 39 The description is not defective if there is a good faith effort by the
 40 county committee to comply with this subsection or if the boundary
 41 may be ascertained with reasonable certainty by a person skilled in the
 42 area of real estate description. The county committee may require the

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1 services of the county surveyor in preparing a description of a boundary
2 line.

- 3 (f) A member of the board of school trustees:
 - 4 (1) may not serve an appointive or elective term of more than four
 - 5 (4) years; and
 - 6 (2) may serve more than one (1) consecutive appointive or
 - 7 elective term.

8 SECTION 11. IC 20-23-4-29.1 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2011]: **Sec. 29.1. (a) This section applies to**
11 **each school corporation.**

12 **(b) If a plan provides for election of members of the governing**
13 **body, the members of the governing body shall be elected at a**
14 **general election. Each candidate must file a petition of nomination**
15 **in accordance with IC 3-8-2.5 that is signed by the candidate and**
16 **by ten (10) registered voters residing within the boundaries of the**
17 **community school corporation. The filing must be made within the**
18 **time specified by IC 3-8-2.5-4.**

19 **(c) All nominations shall be listed for each office in the form**
20 **prescribed by IC 3-11-2, but without party designation. Voting and**
21 **tabulation of votes shall be conducted in the same manner as voting**
22 **and tabulation in general elections are conducted. The precinct**
23 **election boards serving in each county shall conduct the election**
24 **for members of the governing body. If a school corporation is**
25 **located in more than one (1) county, each county election board**
26 **shall print the ballots required for voters in that county to vote for**
27 **candidates for members of the governing body.**

28 **(d) If the plan provides that the members of the governing body**
29 **shall be elected by all the voters of the community school**
30 **corporation, candidates shall be placed on the ballot in the form**
31 **prescribed by IC 3-11-2, without party designation. The candidates**
32 **who receive the most votes are elected.**

33 **(e) If the plan provides that members of the governing body are**
34 **to be elected from residence districts by all voters in the**
35 **community school corporation, nominees for the governing body**
36 **shall be placed on the ballot in the form prescribed by IC 3-11-2,**
37 **by residence districts without party designation. The ballot must**
38 **state the number of members to be voted on and the maximum**
39 **number of members that may be elected from each residence**
40 **district as provided in the plan. A ballot is not valid if more than**
41 **the maximum number of members are voted on from a board**
42 **member residence district. The candidates who receive the most**

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1 votes are elected. However, if more than the maximum number
2 that may be elected from a residence district are among those
3 receiving the most votes, the candidates from the residence districts
4 exceeding the maximum number who receive the fewest votes shall
5 be eliminated in determining the candidates who are elected.

6 (f) If the plan provides that members of the governing body are
7 to be elected from electoral districts solely by the voters of each
8 district, nominees residing in each electoral district shall be placed
9 on the ballot in the form prescribed by IC 3-11-2, without party
10 designation. The ballot must state the number of members to be
11 voted on from the electoral district. The candidates residing in the
12 electoral district who receive the most votes are elected.

13 SECTION 12. IC 20-23-4-30, AS ADDED BY P.L.230-2005,
14 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 30. (a) This section applies to each school
16 corporation.

17 (b) If the governing body is to be elected at the primary election;
18 each registered voter may vote in the governing body election without
19 otherwise voting in the primary election:

20 (c) (b) If a tie vote occurs among any of the candidates, the tie vote
21 shall be resolved under IC 3-12-9-4.

22 (d) (c) If after the first governing body takes office, there is a
23 vacancy on the governing body for any reason, including the failure of
24 the sufficient number of petitions for candidates being filed, whether
25 the vacating member was elected or appointed, the remaining members
26 of the governing body, whether or not a majority of the governing body,
27 shall by a majority vote fill the vacancy by appointing a person from
28 within the boundaries of the community school corporation to serve for
29 the term or balance of the term. An individual appointed under this
30 subsection must possess the qualifications provided for a regularly
31 elected or appointed governing body member filling the office. If:

- 32 (1) a tie vote occurs among the members of the governing body
33 under this subsection or IC 3-12-9-4; or
- 34 (2) the governing body fails to act within thirty (30) days after any
35 vacancy occurs;

36 the judge of the circuit court in the county where the majority of
37 registered voters of the school corporation reside shall make the
38 appointment.

39 (e) (d) A vacancy in the governing body occurs if a member ceases
40 to be a resident of any community school corporation. A vacancy does
41 not occur when the member moves from a district of the school
42 corporation from which the member was elected or appointed if the

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1 member continues to be a resident of the school corporation.

2 ~~(f)~~ (e) At the first primary or general election in which members of
3 the governing body are elected:

4 (1) a simple majority of the candidates elected as members of the
5 governing body who receive the ~~highest~~ **greatest** number of votes
6 shall be elected for four (4) year terms; and

7 (2) the balance of the candidates elected as members of the
8 governing body receiving the next ~~highest~~ **greatest** number of
9 votes shall be elected for two (2) year terms.

10 Thereafter, all school board members shall be elected for four (4) year
11 terms.

12 ~~(g)~~ (f) **Elected** governing body members ~~elected~~:

13 ~~(1) in November~~ take office and assume their duties on January
14 1 ~~or July~~ † after their election. ~~as determined by the board of~~
15 ~~school trustees before the election; and~~

16 ~~(2) in May~~ take office and assume their duties on July † after their
17 ~~election.~~

18 SECTION 13. IC 20-23-7-6, AS ADDED BY P.L.1-2005,
19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2011]: Sec. 6. (a) The first metropolitan board of education
21 shall be composed of the:

22 (1) trustees; and

23 (2) members of school boards;

24 of the school corporations forming the metropolitan board of education.

25 (b) The members of the metropolitan board of education shall serve
26 ex officio as members subject to the laws concerning length of terms,
27 powers of election, or appointment and filling vacancies applicable to
28 their respective offices.

29 (c) If a metropolitan school district is comprised of only two (2)
30 board members, the two (2) members shall appoint a third board
31 member not more than ten (10) days after the creation of the
32 metropolitan school district. If the two (2) members are unable to agree
33 on or do not make the appointment of a third board member within the
34 ten (10) day period after the creation of the metropolitan school district,
35 the third member shall be appointed not more than twenty (20) days
36 after the creation of the metropolitan school district by the judge of the
37 circuit court of the county in which the metropolitan school district is
38 located. If the metropolitan school district is located in two (2) or more
39 counties, the judge of the circuit court of the county containing that part
40 of the metropolitan school district having more students than the part
41 or parts located in another county or counties shall appoint the third
42 member. The members of the metropolitan board of education serve

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1 until their successors are elected or appointed and qualified.

2 (d) The first meeting of the first metropolitan board of education

3 shall be held not more than one (1) month after the creation of the

4 metropolitan school district. The first meeting shall be called by the

5 superintendent of schools, or township trustee of a school township, of

6 the school corporation in the district having the largest number of

7 students. At the first meeting, the board shall organize, and **each year**

8 **during the first ten (10) days of each July after the board members**

9 **that are elected or appointed to a new term take office**, the board

10 shall reorganize, by electing a president, a vice president, a secretary,

11 and a treasurer.

12 (e) The secretary of the board shall keep an accurate record of the

13 minutes of the metropolitan board of education, and the minutes shall

14 be kept in the superintendent's office. When a metropolitan school

15 district is formed, the metropolitan superintendent shall act as

16 administrator of the board and shall carry out the acts and duties as

17 designated by the board. A quorum consists of a majority of the

18 members of the board. A quorum is required for the transaction of

19 business. The vote of a majority of those present is required for a:

20 (1) motion;

21 (2) ordinance; or

22 (3) resolution;

23 to pass.

24 (f) The board shall conduct its affairs in the manner described in this

25 section. Except in unusual cases, the board shall hold its meetings at

26 the office of the metropolitan superintendent or at a place mutually

27 designated by the board and the superintendent. Board records are to

28 be maintained and board business is to be conducted from the office of

29 the metropolitan superintendent or a place designated by the board and

30 the superintendent.

31 (g) The metropolitan board of education shall have the power to pay

32 to a member of the board:

33 (1) a reasonable per diem for service on the board not to exceed

34 one hundred twenty-five dollars (\$125) per year; and

35 (2) for travel to and from a member's home to the place of the

36 meeting within the district, a sum for mileage equal to the amount

37 per mile paid to state officers and employees. The rate per mile

38 shall change when the state government changes its rate per mile.

39 SECTION 14. IC 20-23-7-8.1 IS ADDED TO THE INDIANA

40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

41 [EFFECTIVE JULY 1, 2011]: **Sec. 8.1. (a) The registered voters of**

42 **the metropolitan school district shall elect the members of the**

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1 metropolitan board of education at general elections held
2 biennially, beginning with the next general election that is held
3 more than sixty (60) days after the creation of the metropolitan
4 school district as provided in this chapter.

5 (b) Each nominee for the board must file a petition of
6 nomination signed by the nominee and by ten (10) registered voters
7 residing in the same board member district as the nominee. The
8 petition must be filed in accordance with IC 3-8-2.5 with the circuit
9 court clerk of each county in which the metropolitan school district
10 is located.

11 (c) Nominees for the board shall be listed on the general election
12 ballot:

- 13 (1) in the form prescribed by IC 3-11-2;
- 14 (2) by board member districts; and
- 15 (3) without party designation.

16 The ballot must state the number of board members to be voted on
17 and the maximum number of members that may be elected from
18 each board member district as provided under section 5 of this
19 chapter. A ballot that contains more votes than the maximum
20 number allowed from a board member district is invalid.

21 (d) The precinct election boards in each county serving at the
22 general election shall conduct the election for school board
23 members.

24 (e) Voting and tabulation of votes shall be conducted in
25 accordance with IC 3, and the candidates who receive the most
26 votes are elected to the board.

27 (f) If there are more candidates from a particular board
28 member district than may be elected from the board member
29 district under section 5 of this chapter:

- 30 (1) the number of candidates elected is the greatest number
31 that may be elected from the board member district;
- 32 (2) the candidates elected are those who, among the
33 candidates from the board member district, receive the most
34 votes; and
- 35 (3) the other candidates from the board member district are
36 eliminated.

37 (g) If there is a tie vote among the candidates for the board, the
38 judge of the circuit court in the county where the majority of the
39 registered voters of the metropolitan school district reside shall
40 select one (1) of the candidates who shall be declared and certified
41 elected.

42 (h) If, at any time after the first board member election, a

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1 vacancy on the board occurs for any reason, including an
2 insufficient number of petitions for candidates being filed, and
3 regardless of whether the vacating member was elected or
4 appointed, the remaining members of the board, whether or not a
5 majority of the board, shall by a majority vote fill the vacancy by:

- 6 (1) appointing a person from the board member district from
- 7 which the person who vacated the board was elected; or
- 8 (2) if the person was appointed, appointing a person from the
- 9 board member district from which the last elected
- 10 predecessor of the person was elected.

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

- 16 (i) At a general election held on the earlier of:
- 17 (1) more than sixty (60) days after an elected board member
- 18 vacates membership on the board; or
- 19 (2) immediately before the end of the term for which the
- 20 vacating member was elected;

21 a successor to a board member appointed under subsection (h)
22 shall be elected. Unless the successor takes office at the end of the
23 term of the vacating member, the member shall serve only for the
24 balance of the vacating member's term. In an election for a
25 successor board member to fill a vacancy for a two (2) year
26 balance of a term, candidates for board membership need not file
27 for or with reference to the vacancy. However, as required by
28 IC 3-11-2, candidates for at-large seats must be distinguished on
29 the ballot from candidates for district seats. If there is more than
30 one (1) at-large seat on the ballot due to this vacancy, the elected
31 candidate who receives the fewest votes at the election at which the
32 successor is elected shall serve for a two (2) year term.

33 (j) At the first general election where members of the board are
34 elected under this section, the elected candidates who constitute a
35 simple majority of the elected candidates and who receive the most
36 votes shall be elected for four (4) year terms, and the other elected
37 candidates shall be elected for two (2) year terms.

38 (k) Board members shall be elected for four (4) year terms after
39 the first election and shall take office January 1 following their
40 election.

41 SECTION 15. IC 20-23-7-12, AS AMENDED BY P.L.1-2007,
42 SECTION 143, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) As used in this section,
 2 "county" means the county in which the school township is located.
 3 (b) As used in this section, "school township" means a school
 4 township in Indiana that:
 5 (1) for the last full school semester immediately preceding:
 6 (A) the adoption of a preliminary resolution by the township
 7 trustee and the township board under subsection (f); or
 8 (B) the adoption of a resolution of disapproval by the township
 9 trustee and the township board under subsection (g);
 10 had an ADM of at least six hundred (600) students in
 11 kindergarten through grade 12 in the public schools of the school
 12 township; or
 13 (2) is part of a township in which there were more votes cast for
 14 township trustee outside the school township than inside the
 15 school township in the general election at which the trustee was
 16 elected and that preceded the adoption of the preliminary or
 17 disapproving resolution.
 18 (c) As used in this section, "township board" means the township
 19 board of a township in which the school township is located.
 20 (d) As used in this section, "township trustee" means the township
 21 trustee of the township in which the school township is located.
 22 (e) In a school township, a metropolitan school district may be
 23 created by complying with this section. A metropolitan school district
 24 created under this section shall have the same boundaries as the school
 25 township. After a district has been created under this section, the
 26 school township that preceded the metropolitan school district is
 27 abolished. The procedures or provisions governing the creation of a
 28 metropolitan school district under another section of this chapter do not
 29 apply to the creation of a district under this section. After a
 30 metropolitan school district is created under this section, the district
 31 shall, except as otherwise provided in this section, be governed by and
 32 operate in accordance with this chapter governing the operation of a
 33 metropolitan school district as established under section 2 of this
 34 chapter.
 35 (f) Except as provided in subsection (g), a metropolitan school
 36 district provided for in subsection (e) may be created in the following
 37 manner:
 38 (1) The township trustee shall call a meeting of the township
 39 board. At the meeting, the township trustee and a majority of the
 40 township board shall adopt a resolution that a metropolitan school
 41 district shall be created in the school township. The township
 42 trustee shall then give notice:

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1 (A) by two (2) publications one (1) week apart in a newspaper
 2 of general circulation published in the school township; or
 3 (B) if there is no newspaper as described in clause (A), in a
 4 newspaper of general circulation in the county;
 5 of the adoption of the resolution setting forth the text of the
 6 resolution.
 7 (2) On the thirtieth day after the date of the last publication of the
 8 notice under subdivision (1) and if a protest has not been filed, the
 9 township trustee and a majority of the township board shall
 10 confirm their preliminary resolution. If, however, on or before the
 11 twenty-ninth day after the date of the last publication of the
 12 notice, a number of registered voters of the school township,
 13 equal to five percent (5%) or more of the number of votes cast in
 14 the school township for secretary of state at the last preceding
 15 general election for that office, sign and file with the township
 16 trustee a petition requesting an election in the school township to
 17 determine whether or not a metropolitan school district must be
 18 created in the township in accordance with the preliminary
 19 resolution, then an election must be held as provided in
 20 subsection (h). The preliminary resolution and confirming
 21 resolution provided in this subsection shall both be adopted at a
 22 meeting of the township trustee and township board in which the
 23 township trustee and each member of the township board received
 24 or waived a written notice of the date, time, place, and purpose of
 25 the meeting. The resolution and the proof of service or waiver of
 26 the notice shall be made a part of the records of the township
 27 board.
 28 (g) Except as provided in subsection (f), a metropolitan school
 29 district may also be created in the following manner:
 30 (1) A number of registered voters of the school township, equal
 31 to five percent (5%) or more of the votes cast in the school
 32 township for secretary of state at the last general election for that
 33 office, shall sign and file with the township trustee a petition
 34 requesting the creation of a metropolitan school district under this
 35 section.
 36 (2) The township trustee and a majority of the township board
 37 shall, not more than ten (10) days after the filing of a petition:
 38 (A) adopt a preliminary resolution that a metropolitan school
 39 district shall be created in the school township and proceed as
 40 provided in subsection (f); or
 41 (B) adopt a resolution disapproving the creation of the district.
 42 (3) If either the township trustee or a majority of township board

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1 members vote in favor of disapproving the resolution, an election
2 must be held to determine whether or not a metropolitan school
3 district shall be created in the school township in the same
4 manner as is provided in subsection (f) if an election is requested
5 by petition.

6 (h) An election required under subsection (f) or (g) may, at the
7 option of the township trustee, be held either as a special election or in
8 conjunction with a primary or general election to be held not more than
9 one hundred twenty (120) days after the filing of a petition under
10 subsection (f) or the adoption of the disapproving resolution under
11 subsection (g). The township trustee shall certify the question to the
12 county election board under IC 3-10-9-3 and give notice of an election:

- 13 (1) by two (2) publications one (1) week apart in a newspaper of
14 general circulation in the school township; or
- 15 (2) if a newspaper described in subdivision (1) does not exist, in
16 a newspaper of general circulation published in the county.

17 The notice must provide that on a day and time named in the notice, the
18 polls shall be opened at the usual voting places in the various precincts
19 in the school township for the purpose of taking the vote of the
20 registered voters of the school township regarding whether a
21 metropolitan school district shall be created in the township. The
22 election shall be held not less than twenty (20) days and not more than
23 thirty (30) days after the last publication of the notice unless a primary
24 or general election will be conducted not more than six (6) months after
25 the publication. In that case, the county election board shall place the
26 public question on the ballot at the primary or general election. If the
27 election is to be a special election, the township trustee shall give
28 notice not more than thirty (30) days after the filing of the petition or
29 the adoption of the disapproving resolution.

30 (i) On the day and time named in the notice, the polls shall be
31 opened and the votes of the voters shall be taken regarding whether a
32 metropolitan school district shall be created in the school township.
33 IC 3 governs the election except as otherwise provided in this chapter.
34 The county election board shall conduct the election. The public
35 question shall be placed on the ballot in the form prescribed by
36 IC 3-10-9-4 and must state, "Shall a metropolitan school district under
37 IC 20-23-7 be formed in the _____ School Township of
38 _____ County, Indiana?". The name of the school township
39 shall be inserted in the blanks.

40 (j) The votes cast in the election shall be canvassed at a place in the
41 school township determined by the county election board. The
42 certificate of the votes cast for and against the creation of a

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1 metropolitan school district shall be filed in the records of the township
2 board and recorded with the county recorder. If the special election is
3 not conducted at a primary or general election, the school township
4 shall pay the expense of holding the election out of the school general
5 fund that is appropriated for this purpose.

6 (k) A metropolitan school district shall, subject to section 7 of this
7 chapter, be created on the thirtieth day after the date of the adoption of
8 the confirming resolution under subsection (f) or an election held under
9 subsection (h). If a public official fails to do the official's duty within
10 the time prescribed in this section, the failure does not invalidate the
11 proceedings taken under this section. An action to contest the validity
12 of the creation of a metropolitan school district under this section or to
13 enjoin the operation of a metropolitan school district may not be
14 instituted later than the thirtieth day following the date of the adoption
15 of the confirming resolution under subsection (f) or of the election held
16 under subsection (h). Except as provided in this section, an election
17 under this subsection may not be held sooner than twelve (12) months
18 after another election held under subsection (h).

19 (l) A metropolitan school district is known as "The Metropolitan
20 School District of _____ Township, _____ County,
21 Indiana". The first metropolitan board of education in a metropolitan
22 school district created under this section consists of five (5) members.
23 The township trustee and the township board members are ex officio
24 members of the first board, subject to the laws concerning length of
25 their respective terms of office, manner of election or appointment, and
26 the filling of vacancies applicable to their respective offices. The ex
27 officio members serve without compensation or reimbursement for
28 expenses, other than that which they may receive from their respective
29 offices. The township board shall, by a resolution recorded in its
30 records, appoint the fifth member of the metropolitan board of
31 education. The fifth member shall meet the qualifications of a member
32 of a metropolitan board of education under this chapter, with the
33 exception of the board member district requirements provided in
34 sections 4, 5, and ~~8~~ **8.1** of this chapter.

35 (m) A fifth board member shall be appointed not more than fifteen
36 (15) days after the date of the adoption of the confirming resolution
37 under subsection (f)(2) or an election held under subsection (h). The
38 first board shall hold its first meeting not more than fifteen (15) days
39 after the date when the fifth board member is appointed or elected, on
40 a date established by the township board in the resolution in which it
41 appoints the fifth board member. The first board shall serve until ~~July~~
42 † **January 1** following the election of a metropolitan school board at

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1 the first **primary general** election held more than sixty (60) days
2 following the creation of the metropolitan school district.

3 (n) After the creation of a metropolitan school district under this
4 section, the president of the metropolitan school board of the district
5 shall serve as a member of the county board of education and perform
6 the duties on the county board of education that were previously
7 performed by the township trustee. The metropolitan school board and
8 superintendent of the district may call upon the assistance of and use
9 the services provided by the county superintendent of schools. This
10 subsection does not limit or take away the powers, rights, privileges, or
11 duties of the metropolitan school district or the board or superintendent
12 of the district provided in this chapter.

13 SECTION 16. IC 20-23-8-5, AS ADDED BY P.L.1-2005,
14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 5. As used in this chapter, "school corporation"
16 means a local public school corporation established under the laws of
17 Indiana. The term does not include a school township or a school
18 corporation covered by IC 20-23-12, **IC 20-23-17, or IC 20-23-17.2.**

19 SECTION 17. IC 20-23-8-7, AS ADDED BY P.L.1-2005,
20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 7. (a) A plan or proposed plan must contain the
22 following items:

23 (1) The number of members of the governing body, which shall
24 be:

- 25 (A) three (3);
 - 26 (B) five (5); or
 - 27 (C) seven (7);
- 28 members.

29 (2) Whether the governing board shall be elected, ~~or~~ appointed,
30 **or both.**

31 (3) If appointed, when and by whom, and a general description of
32 the manner of appointment that conforms with the requirements
33 of IC 20-23-4-28.

34 ~~(4) If elected; whether the election shall be at the primary or at the~~
35 ~~general election that county officials are nominated or elected;~~
36 ~~and a general description of the manner of election that conforms~~
37 ~~with the requirements of IC 20-23-4-27.~~

38 **(4) A provision that the members of an elected governing**
39 **board shall be elected at the general election at which county**
40 **officials are elected.**

41 **(5) If the governing board will have members who are elected**
42 **and members who are appointed, the following information:**

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- 1 **(A) The number of appointed members.**
- 2 **(B) When and by whom each of the appointed members**
- 3 **are appointed.**
- 4 **(C) A general description of the manner of appointment**
- 5 **that conforms with the requirements of IC 20-23-4-28.**
- 6 **(D) The number of elected members.**
- 7 **(E) A general description of the manner of election that**
- 8 **conforms with the requirements of IC 20-23-4-27.**
- 9 ~~(5)~~ **(6) The limitations on:**
- 10 (A) residence;
- 11 (B) term of office; and
- 12 (C) other qualifications;
- 13 required by members of the governing body.

14 ~~(6)~~ **(7) The time the plan takes effect.**

15 A plan or proposed plan may have additional details to make the

16 provisions of the plan workable. The details may include provisions

17 relating to the commencement or length of terms of office of the

18 members of the governing body taking office under the plan.

19 (b) Except as provided in subsection (a)(1), in a city having a

20 population of more than fifty-nine thousand seven hundred (59,700)

21 but less than sixty-five thousand (65,000), the governing body

22 described in a plan may have up to nine (9) members.

23 SECTION 18. IC 20-23-8-10, AS ADDED BY P.L.1-2005,

24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

25 JULY 1, 2011]: Sec. 10. (a) A change in a plan may be initiated by one

26 (1) of the following procedures:

- 27 (1) By filing a petition signed by at least ~~twenty percent (20%)~~
- 28 **ten percent (10%)** of the voters of the school corporation with
- 29 the clerk of the circuit court.
- 30 (2) By a resolution adopted by the governing body of the school
- 31 corporation.
- 32 (3) By ordinance adopted by a city legislative body under section
- 33 13 of this chapter.

34 (b) A petition, resolution, or ordinance must set forth a description

35 of the plan that conforms with section 7 of this chapter.

36 ~~(c) Except as provided in subsection (a)(1), in a city having a~~

37 ~~population of more than fifty-nine thousand seven hundred (59,700)~~

38 ~~but less than sixty-five thousand (65,000), a change in a plan may be~~

39 ~~initiated by filing a petition signed by ten percent (10%) or more of the~~

40 ~~voters of the school corporation with the clerk of the circuit court.~~

41 SECTION 19. IC 20-23-8-21, AS ADDED BY P.L.1-2005,

42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 21. An election may not be held under this chapter
2 more than once each eighteen (18) months. A plan for a governing
3 body may not be adopted more than once each six (6) years, except if
4 **either of the following applies:**

5 ~~(1) the plan only changes the time of voting for board members~~
6 ~~from the primary to the general election or from the general to the~~
7 ~~primary election;~~

8 ~~(2) (1) A plan adopted is declared or held to be invalid by a~~
9 ~~binding judgment or order in a United States or an Indiana court~~
10 ~~that no appeal or further approval can be taken. or~~

11 ~~(3) (2) The plan provides solely for changes in items specified in~~
12 ~~section 7(a)(5) of this chapter.~~

13 SECTION 20. IC 20-23-10-8, AS ADDED BY P.L.1-2005,
14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 8. (a) The board members of a merged school
16 corporation shall be elected at the first **primary general** election
17 following the merged school corporation's creation, and vacancies shall
18 be filled in accordance with IC 20-23-4-30.

19 (b) Until the first election under subsection (a), the board of trustees
20 of the merged school corporation consists of:

21 (1) the members of the governing body of a school corporation in
22 the county other than a school township; and

23 (2) the township trustee of a school township in the county.

24 (c) The first board of trustees shall select the name of the merged
25 school corporation by a majority vote. The name may be changed by
26 unanimous vote of the governing body of the merged school
27 corporation.

28 SECTION 21. IC 20-23-12-3, AS ADDED BY P.L.1-2005,
29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 3. (a) The governing body of the school
31 corporation consists of seven (7) members elected as follows:

32 (1) On a nonpartisan basis.

33 (2) In a **primary general** election ~~held~~ in the county.

34 (b) Six (6) of the members shall be elected from the school districts
35 drawn under section 4 of this chapter. Each member:

36 (1) is elected from the school district in which the member
37 resides; and

38 (2) upon election and in conducting the business of the governing
39 body, represents the interests of the entire school corporation.

40 (c) One (1) of the members elected:

41 (1) is the at-large member of the governing body;

42 (2) may reside in any of the districts drawn under section 4 of this

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1 chapter; and

2 (3) upon election and in conducting the business of the governing
3 body, represents the interests of the entire school corporation.

4 SECTION 22. IC 20-23-12-8, AS ADDED BY P.L.1-2005,
5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]: Sec. 8. (a) The term of each person elected to serve on
7 the governing body

8 ~~(1)~~ is four (4) years. ~~and~~

9 ~~(2)~~ begins

10 **(b) The term of each person elected to serve on the governing**
11 **body begins** the ~~July 1~~ **January 1** that next follows the person's
12 election.

13 SECTION 23. IC 20-23-12-9, AS ADDED BY P.L.1-2005,
14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 9. The members are elected as follows:

16 (1) Three (3) of the members elected under section 3(b) of this
17 chapter are elected at the **primary general** election to be held in
18 ~~2008~~ **2012** and every four (4) years thereafter.

19 (2) Three (3) of the members elected under section 3(b) of this
20 chapter are elected at the **primary general** election to be held in
21 ~~2006~~ **2014** and every four (4) years thereafter.

22 (3) The at-large member elected under section 3(c) of this chapter
23 is elected at the **primary general** election to be held in ~~2008~~ **2012**
24 and every four (4) years thereafter.

25 SECTION 24. IC 20-23-13-1, AS ADDED BY P.L.230-2005,
26 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2011]: Sec. 1. (a) In a community school corporation
28 established under IC 20-23-4 that:

29 (1) has a population of more than seventy-five thousand (75,000)
30 but less than ninety thousand (90,000); and

31 (2) is the successor in interest to a school city having the same
32 population;

33 the governing body consists of a board of trustees of five (5) members
34 elected in the manner provided in this chapter.

35 ~~(b) At the 2008 primary election and at each primary election every~~
36 ~~four (4) years thereafter, there shall be elected in each school~~
37 ~~corporation covered by this chapter two (2) governing body members,~~
38 ~~each of whom shall serve for four (4) years. The two (2) candidates for~~
39 ~~the office of school trustee receiving the highest number of votes at the~~
40 ~~election take office on July 1 next following the election.~~

41 ~~(c) At the 2006 primary election and at each primary election every~~
42 ~~four (4) years thereafter, there shall be elected in each school city~~

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1 covered by this chapter three (3) governing body members, each of
 2 whom shall serve for four (4) years. The three (3) candidates for the
 3 office of school trustee receiving the highest number of votes at the
 4 election take office on July 1 next following the election.

5 ~~(d)~~ (b) The governing body members shall be elected at the times
 6 provided and shall succeed the retiring members in the order and
 7 manner as set forth in this ~~section~~: **chapter**.

8 SECTION 25. IC 20-23-13-2.1 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2011]: **Sec. 2.1. (a) As used in this section,**
 11 **"county election board" includes a board of elections and**
 12 **registration established under IC 3-6-5.2.**

13 **(b) The voters of the school corporation shall elect the members**
 14 **of the governing body at a general election for a term of four (4)**
 15 **years. The members shall be elected from the city at large without**
 16 **reference to district.**

17 **(c) Each candidate for election to the governing body must file**
 18 **a petition of nomination with the county election board in each**
 19 **county in which a school corporation subject to this chapter is**
 20 **located. The petition of nomination must comply with IC 3-8-2.5**
 21 **and the following requirements:**

22 **(1) The petition must be signed by at least two hundred (200)**
 23 **legal voters of the school corporation.**

24 **(2) Each petition may nominate only one (1) candidate.**

25 **(3) The number of petitions signed by a legal voter may not**
 26 **exceed the number of school trustees to be elected.**

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

32 **(e) The county election board shall prepare the ballot for the**
 33 **general election at which members of the governing body are to be**
 34 **elected so that the names of the candidates nominated appear on**
 35 **the ballot:**

36 **(1) in alphabetical order;**

37 **(2) without party designation; and**

38 **(3) in the form prescribed by IC 3-11-2.**

39 **(f) The county election board shall not publish or place on the**
 40 **ballot the name of a candidate who is not eligible under this**
 41 **chapter for membership on the governing body.**

42 **(g) Each voter may vote for as many candidates as there are**

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1 **members of the governing body to be elected.**

2 SECTION 26. IC 20-23-13-3, AS ADDED BY P.L.1-2005,
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 3. The intent of this chapter is to provide that the
5 governing body of the school corporations to which it relates shall be
6 elected as provided in:

7 (1) IC 20-23-4-27; and ~~IC 20-23-4-29~~ through

8 (2) **IC 20-23-4-29.1;**

9 (3) **IC 20-23-4-30; and**

10 (4) IC 20-23-4-31;

11 but this chapter prevails over any conflicting provisions of IC 20-23-4
12 relating to any school corporation.

13 SECTION 27. IC 20-23-14-5, AS ADDED BY P.L.230-2005,
14 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 5. To be eligible to be a candidate for the
16 governing body under this chapter, the following apply:

17 (1) Each prospective candidate must file a **petition of nomination**
18 ~~petition~~ with the board of elections and registration not earlier
19 than one hundred four (104) days and not later than noon
20 seventy-four (74) days before the **primary general** election at
21 which the members are to be elected. ~~that includes~~ **The petition**
22 **of nomination must include** the following: ~~information:~~

23 (A) The name of the prospective candidate.

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

26 (C) A certification that the prospective candidate meets the
27 qualifications for candidacy imposed under this chapter.

28 (D) The signatures of at least one hundred (100) registered
29 voters residing in the school corporation.

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

31 (A) reside in the district; and

32 (B) have resided in the district for at least the three (3) years
33 immediately preceding the election.

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

35 (A) reside in the school corporation; and

36 (B) have resided in the school corporation for at least the three
37 (3) years immediately preceding the election.

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

40 (A) be a registered voter;

41 (B) have been a registered voter for at least the three (3) years
42 immediately preceding the election; and

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- 1 (C) be a high school graduate or have received a:
 2 (i) high school equivalency certificate; or
 3 (ii) state general educational development (GED) diploma
 4 under IC 20-20-6.
- 5 (5) A prospective candidate may not:
 6 (A) hold any other elective or appointive office; or
 7 (B) have a pecuniary interest in any contract with the school
 8 corporation or its governing body;
 9 as prohibited by law.
- 10 SECTION 28. IC 20-23-14-8, AS ADDED BY P.L.1-2005,
 11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2011]: Sec. 8. (a) The term of each person elected to serve on
 13 the governing body
 14 ~~(1)~~ is four (4) years. ~~and~~
 15 ~~(2)~~ begins
- 16 **(b) The term of each person elected to serve on the governing**
 17 **body begins on the July + January 1** that next follows the person's
 18 election.
- 19 SECTION 29. IC 20-23-14-9, AS ADDED BY P.L.1-2005,
 20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2011]: Sec. 9. The members are elected as follows:
 22 (1) Three (3) of the members are elected at the **primary general**
 23 election to be held in ~~2008~~ **2012** and every four (4) years
 24 thereafter.
 25 (2) Two (2) of the members are elected at the **primary general**
 26 election to be held in ~~2006~~ **2014** and every four (4) years
 27 thereafter.
- 28 SECTION 30. IC 20-23-17 IS ADDED TO THE INDIANA CODE
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2011]:
 31 **Chapter 17. Election of Members of the Governing Body of the**
 32 **School City of Mishawaka**
 33 **Sec. 1. This chapter applies to a school corporation:**
 34 (1) **located in a city that has a population of more than**
 35 **forty-six thousand five hundred (46,500) but less than fifty**
 36 **thousand eight hundred (50,800); and**
 37 (2) **for which a referendum has been held:**
 38 (A) **as required by statute; and**
 39 (B) **in which a majority of the votes cast approves choosing**
 40 **the members of the governing body as provided in this**
 41 **chapter.**
 42 **Sec. 2. IC 20-23-8 does not apply to a school corporation or the**

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1 governing body of a school corporation governed by this chapter.
 2 **Sec. 3. (a) The governing body of the school corporation consists**
 3 **of five (5) members chosen as follows:**
 4 **(1) Three (3) members shall be elected by the voters of the**
 5 **school corporation at a general election to be held in the**
 6 **county and every four (4) years thereafter.**
 7 **(2) One (1) member shall be appointed by the city executive.**
 8 **(3) One (1) member shall be appointed by the city legislative**
 9 **body.**
 10 **(b) The members elected under subsection (a)(1) shall be elected**
 11 **as follows:**
 12 **(1) On a nonpartisan basis.**
 13 **(2) In a general election held in the county.**
 14 **(3) By the registered voters of the entire school corporation.**
 15 **(c) The following apply to an election of members of the**
 16 **governing body of the school corporation under subsection (a)(1):**
 17 **(1) Each candidate must file a petition of nomination with the**
 18 **circuit court clerk not later than seventy-four (74) days before**
 19 **the election at which members are to be elected. The petition**
 20 **of nomination must include the following information:**
 21 **(A) The name of the candidate.**
 22 **(B) A certification that the candidate meets the**
 23 **qualifications for candidacy imposed by this chapter.**
 24 **(2) Only eligible voters residing in the school corporation may**
 25 **vote for a candidate seeking election.**
 26 **Sec. 4. The term of each individual chosen to serve on the**
 27 **governing body is four (4) years, beginning January 1 following the**
 28 **individual's election or appointment.**
 29 **Sec. 5. Upon assuming office and in conducting the business of**
 30 **the governing body, a member shall represent the interests of the**
 31 **entire school corporation.**
 32 **Sec. 6. (a) A vacancy in the office of an elected member of the**
 33 **governing body shall be filled temporarily by the city legislative**
 34 **body as soon as practicable after the vacancy occurs.**
 35 **(b) A vacancy in the office of an appointed member of the**
 36 **governing body of the school corporation shall be filled by the**
 37 **appointing authority that appointed the member whose office is**
 38 **vacant.**
 39 **(c) An individual filling a vacancy under this section serves until**
 40 **the expiration of the term of the member whose position the**
 41 **individual fills.**
 42 **Sec. 7. (a) Before August 1 of each year, the school corporation**

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1 shall file with the state superintendent the following information:
 2 (1) A list containing the names and addresses of each member
 3 of the governing body and the date of the expiration of each
 4 member's term of office.
 5 (2) A list containing the names and addresses of each of the
 6 school corporation's officers and the date of the expiration of
 7 each officer's term of office.
 8 (b) The school corporation shall notify the state superintendent
 9 of any change in the information previously filed under subsection
 10 (a) not later than thirty (30) days after the change occurs.
 11 Sec. 8. (a) This section applies if the voters of the school
 12 corporation approve choosing the members of the governing body
 13 under this chapter in a referendum described in section 1 of this
 14 chapter.
 15 (b) This subsection applies to the appointed member of the
 16 governing body whose term expires December 31, 2011. Before
 17 December 31, 2011, the city legislative body shall appoint the
 18 successor of this member for a term that expires January 1, 2013.
 19 The successors of the member appointed under this subsection
 20 shall:
 21 (1) be elected at the 2012 general election and every four (4)
 22 years thereafter as provided in section 3(a)(1) of this chapter;
 23 and
 24 (2) take office as provided in section 4 of this chapter.
 25 (c) This subsection applies to the appointed member of the
 26 governing body whose term expires December 31, 2012. The
 27 successors of the member described in this subsection shall:
 28 (1) be elected at the 2012 general election and every four (4)
 29 years thereafter as provided in section 3(a)(1) of this chapter;
 30 and
 31 (2) take office as provided in section 4 of this chapter.
 32 (d) This subsection applies to the appointed member of the
 33 governing body whose term expires December 31, 2013. The
 34 successors of this member shall be appointed by the city legislative
 35 body as provided in section 3(a)(3) of this chapter and take office
 36 as provided in section 4 of this chapter.
 37 (e) The appointed members of the governing body whose terms
 38 expire December 31, 2014, may serve as members of the governing
 39 body under this chapter for the remainder of their appointed
 40 terms. The successors of these members shall be chosen as follows:
 41 (1) One (1) member shall:
 42 (A) be elected at the 2014 general election and every four

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(4) years thereafter as provided in section 3(a)(1) of this chapter; and

(B) take office as provided in section 4 of this chapter.

(2) One (1) member shall be appointed by the city executive as provided in section 3(a)(2) of this chapter and take office as provided in section 4 of this chapter.

(f) On January 1, 2013, all powers, duties, and functions adhering to the appointed governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established by this chapter.

(g) On January 1, 2013, the property and records of the appointed governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established by this chapter.

SECTION 31. IC 20-23-17.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 17.2. Election of School Board Members in East Chicago

Sec. 1. This chapter applies to a school corporation located in a city that has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

Sec. 2. IC 20-23-8 does not apply to a school corporation or the governing body of a school corporation governed by this chapter.

Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the general election held in the county in 2012 and each four (4) years thereafter.

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

Sec. 4. The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the

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common council districts of the city that are drawn under IC 36-4-6.

Sec. 5. (a) The following apply to an election of members of the governing body of the school corporation under section 3(a)(1) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

- (A) The name of the candidate.**
- (B) The candidate's residence address and the district in which the candidate resides.**
- (C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.**
- (D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.**

(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.

(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.

(b) The following apply to an election of the members of the governing body of the school corporation under section 3(a)(2) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

- (A) The name of the candidate.**
- (B) The candidate's residence address.**
- (C) The signatures of at least one hundred (100) registered voters residing within the school corporation.**
- (D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.**

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

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1 (3) Three (3) candidates shall be elected at large. The three (3)
2 candidates who receive the greatest number of votes among
3 all candidates running for an at-large seat are elected as
4 members of the governing body.

5 Sec. 6. Voters who reside within the boundaries of the school
6 corporation may vote for the candidates elected under section 3 of
7 this chapter. Each voter may vote only for:

- 8 (1) one (1) candidate to represent the district in which the
9 voter resides; and
- 10 (2) three (3) at-large candidates.

11 Sec. 7. The state board, with assistance from the county election
12 board, shall establish balloting procedures under IC 3 for the
13 election and all other procedures required to implement this
14 chapter.

15 Sec. 8. The term of each person elected to serve on the governing
16 body of the school corporation is four (4) years, beginning January
17 1 following the election.

18 Sec. 9. The members of the governing body of the school
19 corporation shall be elected at the general election to be held in
20 2012 and every four (4) years thereafter.

21 Sec. 10. A vacancy in the office of a member of the governing
22 body of the school corporation shall be filled temporarily by the
23 governing body as soon as practicable after the vacancy occurs. An
24 individual filling a vacancy under this section serves until the
25 expiration of the term of the member whose position the individual
26 fills.

27 Sec. 11. (a) Before August 1 of each year, the school corporation
28 shall file with the state superintendent the following information:

- 29 (1) A list containing the names and addresses of each member
30 of the governing body of the school corporation and the date
31 of the expiration of each member's term of office.
- 32 (2) A list containing the names and addresses of each of the
33 school corporation's officers and the date of the expiration of
34 each officer's term of office.

35 (b) The school corporation shall notify the state superintendent
36 of any change in the information previously filed under subsection
37 (a) not later than thirty (30) days after the change occurs.

38 Sec. 12. (a) Notwithstanding any other law, the terms of the
39 members of the governing body of the school corporation who hold
40 office on December 31, 2012, expire January 1, 2013.

41 (b) On January 1, 2013, all powers, duties, and functions
42 adhering to the governing body of the school corporation in

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1 **existence on December 31, 2012, are transferred to the governing**
 2 **body established under this chapter.**

3 **(c) On January 1, 2013, the property and records of the**
 4 **governing body of the school corporation in existence on December**
 5 **31, 2012, are transferred to the governing body established under**
 6 **this chapter.**

7 **(d) This section expires July 1, 2016.**

8 SECTION 32. IC 20-25-3-4, AS AMENDED BY P.L.1-2006,
 9 SECTION 322, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The board consists of seven
 11 (7) members. A member:

12 (1) must be elected on a nonpartisan basis in **primary general**
 13 elections held in the county as specified in this section; and

14 (2) serves a four (4) year term.

15 (b) Five (5) members shall be elected from the school board districts
 16 in which the members reside, and two (2) members must be elected at
 17 large. Not more than two (2) of the members who serve on the board
 18 may reside in the same school board district.

19 (c) If a candidate runs for one (1) of the district positions on the
 20 board, only eligible voters residing in the candidate's district may vote
 21 for that candidate. If a person is a candidate for one (1) of the at-large
 22 positions, eligible voters from all the districts may vote for that
 23 candidate.

24 (d) If a candidate files to run for a position on the board, the
 25 candidate must specify whether the candidate is running for a district
 26 or an at-large position.

27 (e) A candidate who runs for a district or an at-large position wins
 28 if the candidate receives the greatest number of votes of all the
 29 candidates for the position.

30 (f) Districts shall be established within the school city by the state
 31 board. The districts must be drawn on the basis of precinct lines, and
 32 as nearly as practicable, of equal population with the population of the
 33 largest district not to exceed the population of the smallest district by
 34 more than five percent (5%). District lines must not cross precinct
 35 lines. The state board shall establish:

36 (1) balloting procedures for the election under IC 3; and

37 (2) other procedures required to implement this section.

38 (g) A member of the board serves under section 3 of this chapter.

39 (h) In accordance with subsection (k), a vacancy in the board shall
 40 be filled temporarily by the board as soon as practicable after the
 41 vacancy occurs. The member chosen by the board to fill a vacancy
 42 holds office until the member's successor is elected and qualified. The

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1 successor shall be elected at the next regular school board election
2 occurring after the date on which the vacancy occurs. The successor
3 fills the vacancy for the remainder of the term.

4 (i) An individual elected to serve on the board begins the
5 individual's term on ~~July 1 of the year of~~ **January 1 immediately**
6 **following** the individual's election.

7 (j) Notwithstanding any law to the contrary, each voter must cast a
8 vote for a school board candidate or school board candidates by voting
9 system or paper ballot. However, the same method used to cast votes
10 for all other offices for which candidates have qualified to be on the
11 election ballot must be used for the board offices.

12 (k) If a vacancy in the board exists because of the death of a
13 member, the remaining members of the board shall meet and select an
14 individual to fill the vacancy in accordance with subsection (h) after
15 the secretary of the board receives notice of the death under IC 5-8-6.

16 SECTION 33. IC 33-33-53-5, AS AMENDED BY P.L.2-2006,
17 SECTION 183, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2011]: Sec. 5. In accordance with rules adopted
19 by the judges of the court under section 6 of this chapter, the presiding
20 judge shall do the following:

- 21 (1) Ensure that the court operates efficiently and judicially under
- 22 rules adopted by the court.
- 23 (2) Annually submit to the fiscal body of Monroe County a budget
- 24 for the court, including amounts necessary for:
 - 25 (A) the operation of the circuit's probation department;
 - 26 (B) the defense of indigents; and
 - 27 (C) maintaining an adequate law library.
- 28 (3) Make the appointments or selections required of a circuit or
- 29 superior court judge under the following statutes:

- 30 IC 8-4-21-2
- 31 IC 11-12-2-2
- 32 IC 16-22-2-4
- 33 IC 16-22-2-11
- 34 IC 16-22-7
- 35 IC 20-23-4
- 36 IC 20-23-7-6
- 37 ~~IC 20-23-7-8~~ **IC 20-23-7-8.1**
- 38 IC 20-26-7-8
- 39 IC 20-26-7-14
- 40 IC 20-47-2-15
- 41 IC 20-47-3-13
- 42 IC 36-9

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1 IC 36-10
 2 IC 36-12-10-10.
 3 (4) Make appointments or selections required of a circuit or
 4 superior court judge by any other statute, if the appointment or
 5 selection is not required of the court because of an action before
 6 the court.
 7 SECTION 34. THE FOLLOWING ARE REPEALED [EFFECTIVE
 8 JULY 1, 2011]: IC 3-8-2-2.2; IC 20-23-4-29; IC 20-23-7-8;
 9 IC 20-23-13-2.
 10 SECTION 35. [EFFECTIVE JULY 1, 2011] (a) **The St. Joseph**
 11 **County county election board shall place the following public**
 12 **question on the November 2011 municipal election ballot in the city**
 13 **of Mishawaka in St. Joseph County:**
 14 "Should the members of the governing body of the School
 15 City of Mishawaka be chosen as provided in IC 20-23-17?".
 16 (b) The county election board shall tabulate the votes cast on the
 17 public question described in this SECTION and certify the results
 18 under IC 3-12-4-9. The circuit court clerk shall send a copy of the
 19 certification required by this subsection to the department of
 20 education.
 21 (c) IC 3 applies to the public question placed on the ballot under
 22 this SECTION to the extent IC 3 is not inconsistent with this
 23 SECTION.
 24 (d) This SECTION expires July 1, 2012.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1074, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "July 1," and insert "**January 1**,".

Page 2, line 7, delete "July 1," and insert "**January 1**,".

Page 11, line 40, reset in roman "January".

Page 11, line 41, before "or" reset in roman "1".

Page 11, line 41, strike "July 1".

Page 15, line 24, delete "July 1" and insert "**January 1**".

Page 15, line 24, after "following" delete "the" and insert "**their**".

Page 19, line 25, strike "July".

Page 19, line 26, strike "1" and insert "**January 1**".

Page 20, between lines 31 and 32, begin a new paragraph and insert:
 "SECTION 15. IC 20-23-8-10, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) A change in a plan may be initiated by one (1) of the following procedures:

(1) By filing a petition signed by at least ~~twenty percent (20%)~~ **ten percent (10%)** of the voters of the school corporation with the clerk of the circuit court.

(2) By a resolution adopted by the governing body of the school corporation.

(3) By ordinance adopted by a city legislative body under section 13 of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 7 of this chapter.

(c) ~~Except as provided in subsection (a)(1); in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000); a change in a plan may be initiated by filing a petition signed by ten percent (10%) or more of the voters of the school corporation with the clerk of the circuit court:".~~

Page 22, line 2, strike "July 1" and insert "**January 1**".

Page 25, line 7, strike "July 1" and insert "**January 1**".

Page 25, delete lines 17 through 42.

Page 26, delete lines 1 through 10.

Page 27, line 8, strike "July 1 of the year".

Page 27, line 8, before "following" insert "**January 1 immediately**".

Page 28, after line 12, begin a new paragraph and insert:

"SECTION 31. [EFFECTIVE JULY 1, 2011] (a) **The county**

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election board of St. Joseph County shall place the following public question on the November 2011 municipal election ballot in the city of Mishawaka in St. Joseph County:

"Should the method of choosing the members of the governing body of the School City of Mishawaka be changed?".

(b) The county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9. The circuit court clerk shall send a copy of the certification required by this subsection to the department of education.

(c) IC 3 applies to the public question placed on the ballot under this SECTION to the extent IC 3 is not inconsistent with this SECTION.

(d) This SECTION expires July 1, 2012."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1074 as introduced.)

KOCH, Chair

Committee Vote: yeas 9, nays 3.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1074 be amended to read as follows:

Page 19, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 14. IC 20-23-8-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) A plan or proposed plan must contain the following items:

- (1) The number of members of the governing body, which shall be:
 - (A) three (3);
 - (B) five (5); or
 - (C) seven (7);
 members.
- (2) Whether the governing board shall be elected, or appointed, or both.
- (3) If appointed, when and by whom, and a general description of

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the manner of appointment that conforms with the requirements of IC 20-23-4-28.

~~(4) If elected; whether the election shall be at the primary or at the general election that county officials are nominated or elected; and a general description of the manner of election that conforms with the requirements of IC 20-23-4-27.~~

(4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.

(5) If the governing board will have members who are elected and members who are appointed, the following information:

(A) The number of appointed members.

(B) When and by whom each of the appointed members are appointed.

(C) A general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.

(D) The number of elected members.

(E) A general description of the manner of election that conforms with the requirements of IC 20-23-4-27.

~~(5) (6) The limitations on:~~

~~(A) residence;~~

~~(B) term of office; and~~

~~(C) other qualifications;~~

~~required by members of the governing body.~~

~~(6) (7) The time the plan takes effect.~~

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members."

Page 20, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

(Reference is to HB 1074 as printed February 18, 2011.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1074, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 3-8-2-2.2, AS AMENDED BY P.L.1-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.2. (a) A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23-12, IC 20-23-14, **IC 20-23-17, IC 20-23-17.2**, or IC 20-23-4. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

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

Page 7, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 9. IC 5-9-4-8, AS AMENDED BY P.L.1-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Except as provided in subsection (b), during the officeholder's leave of absence, the officeholder's office must be filled by a temporary appointment made under:

- (1) IC 3-13-4;
- (2) IC 3-13-5;
- (3) IC 3-13-6;
- (4) IC 3-13-7;
- (5) IC 3-13-8;
- (6) IC 3-13-9;
- (7) IC 3-13-10;
- (8) IC 3-13-11;
- (9) IC 20-23-4;
- (10) IC 20-26;
- (11) IC 20-23-12;
- (12) IC 20-23-14;
- (13) IC 20-23-15;
- (14) IC 20-23-17;**
- (15) IC 20-23-17.2;**
- ~~(14)~~ **(16) IC 20-25-3;**
- ~~(15)~~ **(17) IC 20-25-4;** or

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~~(16)~~ (18) IC 20-25-5;

in the same manner as a vacancy created by a resignation is filled.

(b) For an officeholder who:

(1) is:

(A) a justice of the supreme court, a judge of the court of appeals, or a judge of the tax court; or

(B) a judge of a circuit, city, county, probate, or superior court; and

(2) is taking a leave of absence under this chapter;

the supreme court shall appoint a judge pro tempore to fill the officeholder's office in accordance with the court's rules and procedures.

(c) The person selected or appointed under subsection (a) or (b) serves until the earlier of:

(1) the date the officeholder's leave of absence ends as provided in section 10 of this chapter; or

(2) the officeholder's term of office expires.

(d) The person selected or appointed to an office under subsection (a) or (b):

(1) assumes all the rights and duties of; and

(2) is entitled to the compensation established for; the office for the period of the temporary appointment."

Page 19, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 16. IC 20-23-8-5, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. As used in this chapter, "school corporation" means a local public school corporation established under the laws of Indiana. The term does not include a school township or a school corporation covered by IC 20-23-12, **IC 20-23-17, or IC 20-23-17.2.**"

Page 26, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 30. IC 20-23-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 17. Election of Members of the Governing Body of the School City of Mishawaka

Sec. 1. This chapter applies to a school corporation:

(1) located in a city that has a population of more than forty-six thousand five hundred (46,500) but less than fifty thousand eight hundred (50,800); and

(2) for which a referendum has been held:

(A) as required by statute; and

(B) in which a majority of the votes cast approves choosing

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the members of the governing body as provided in this chapter.

Sec. 2. IC 20-23-8 does not apply to a school corporation or the governing body of a school corporation governed by this chapter.

Sec. 3. (a) The governing body of the school corporation consists of five (5) members chosen as follows:

- (1) Three (3) members shall be elected by the voters of the school corporation at a general election to be held in the county and every four (4) years thereafter.
- (2) One (1) member shall be appointed by the city executive.
- (3) One (1) member shall be appointed by the city legislative body.

(b) The members elected under subsection (a)(1) shall be elected as follows:

- (1) On a nonpartisan basis.
- (2) In a general election held in the county.
- (3) By the registered voters of the entire school corporation.

(c) The following apply to an election of members of the governing body of the school corporation under subsection (a)(1):

- (1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:

- (A) The name of the candidate.
- (B) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

- (2) Only eligible voters residing in the school corporation may vote for a candidate seeking election.

Sec. 4. The term of each individual chosen to serve on the governing body is four (4) years, beginning January 1 following the individual's election or appointment.

Sec. 5. Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

Sec. 6. (a) A vacancy in the office of an elected member of the governing body shall be filled temporarily by the city legislative body as soon as practicable after the vacancy occurs.

(b) A vacancy in the office of an appointed member of the governing body of the school corporation shall be filled by the appointing authority that appointed the member whose office is vacant.

(c) An individual filling a vacancy under this section serves until

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the expiration of the term of the member whose position the individual fills.

Sec. 7. (a) Before August 1 of each year, the school corporation shall file with the state superintendent the following information:

(1) A list containing the names and addresses of each member of the governing body and the date of the expiration of each member's term of office.

(2) A list containing the names and addresses of each of the school corporation's officers and the date of the expiration of each officer's term of office.

(b) The school corporation shall notify the state superintendent of any change in the information previously filed under subsection (a) not later than thirty (30) days after the change occurs.

Sec. 8. (a) This section applies if the voters of the school corporation approve choosing the members of the governing body under this chapter in a referendum described in section 1 of this chapter.

(b) This subsection applies to the appointed member of the governing body whose term expires December 31, 2011. Before December 31, 2011, the city legislative body shall appoint the successor of this member for a term that expires January 1, 2013. The successors of the member appointed under this subsection shall:

(1) be elected at the 2012 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

(2) take office as provided in section 4 of this chapter.

(c) This subsection applies to the appointed member of the governing body whose term expires December 31, 2012. The successors of the member described in this subsection shall:

(1) be elected at the 2012 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

(2) take office as provided in section 4 of this chapter.

(d) This subsection applies to the appointed member of the governing body whose term expires December 31, 2013. The successors of this member shall be appointed by the city legislative body as provided in section 3(a)(3) of this chapter and take office as provided in section 4 of this chapter.

(e) The appointed members of the governing body whose terms expire December 31, 2014, may serve as members of the governing body under this chapter for the remainder of their appointed

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terms. The successors of these members shall be chosen as follows:

(1) One (1) member shall:

(A) be elected at the 2014 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

(B) take office as provided in section 4 of this chapter.

(2) One (1) member shall be appointed by the city executive as provided in section 3(a)(2) of this chapter and take office as provided in section 4 of this chapter.

(f) On January 1, 2013, all powers, duties, and functions adhering to the appointed governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established by this chapter.

(g) On January 1, 2013, the property and records of the appointed governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established by this chapter.

SECTION 31. IC 20-23-17.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 17.2. Election of School Board Members in East Chicago

Sec. 1. This chapter applies to a school corporation located in a city that has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

Sec. 2. IC 20-23-8 does not apply to a school corporation or the governing body of a school corporation governed by this chapter.

Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the general election held in the county in 2012 and each four (4) years thereafter.

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

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Sec. 4. The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the common council districts of the city that are drawn under IC 36-4-6.

Sec. 5. (a) The following apply to an election of members of the governing body of the school corporation under section 3(a)(1) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address and the district in which the candidate resides.

(C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.

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

(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.

(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.

(b) The following apply to an election of the members of the governing body of the school corporation under section 3(a)(2) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

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

(D) A certification that the candidate meets the

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qualifications for candidacy imposed by this chapter.

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

(3) Three (3) candidates shall be elected at large. The three (3) candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.

Sec. 6. Voters who reside within the boundaries of the school corporation may vote for the candidates elected under section 3 of this chapter. Each voter may vote only for:

(1) one (1) candidate to represent the district in which the voter resides; and

(2) three (3) at-large candidates.

Sec. 7. The state board, with assistance from the county election board, shall establish balloting procedures under IC 3 for the election and all other procedures required to implement this chapter.

Sec. 8. The term of each person elected to serve on the governing body of the school corporation is four (4) years, beginning January 1 following the election.

Sec. 9. The members of the governing body of the school corporation shall be elected at the general election to be held in 2012 and every four (4) years thereafter.

Sec. 10. A vacancy in the office of a member of the governing body of the school corporation shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs. An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.

Sec. 11. (a) Before August 1 of each year, the school corporation shall file with the state superintendent the following information:

(1) A list containing the names and addresses of each member of the governing body of the school corporation and the date of the expiration of each member's term of office.

(2) A list containing the names and addresses of each of the school corporation's officers and the date of the expiration of each officer's term of office.

(b) The school corporation shall notify the state superintendent of any change in the information previously filed under subsection (a) not later than thirty (30) days after the change occurs.

Sec. 12. (a) Notwithstanding any other law, the terms of the members of the governing body of the school corporation who hold

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office on December 31, 2012, expire January 1, 2013.

(b) On January 1, 2013, all powers, duties, and functions adhering to the governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established under this chapter.

(c) On January 1, 2013, the property and records of the governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established under this chapter.

(d) This section expires July 1, 2016."

Page 28, delete lines 9 through 23, begin a new paragraph and insert:

"SECTION 35. [EFFECTIVE JULY 1, 2011] (a) The St. Joseph County county election board shall place the following public question on the November 2011 municipal election ballot in the city of Mishawaka in St. Joseph County:

"Should the members of the governing body of the School City of Mishawaka be chosen as provided in IC 20-23-17?"

(b) The county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9. The circuit court clerk shall send a copy of the certification required by this subsection to the department of education.

(c) IC 3 applies to the public question placed on the ballot under this SECTION to the extent IC 3 is not inconsistent with this SECTION.

(d) This SECTION expires July 1, 2012."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1074 as reprinted March 30, 2011.)

LANDSKE, Chairperson

Committee Vote: Yeas 8, Nays 1.

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