



Reprinted  
March 30, 2011

---

---

## HOUSE BILL No. 1074

---

DIGEST OF HB 1074 (Updated March 29, 2011 11:33 am - DI 75)

**Citations Affected:** IC 3-5; IC 3-8; IC 3-10; 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 changed. Repeals provisions related to the election of school board members at the primary election.

**Effective:** July 1, 2011.

---

---

### Frizzell, Noe, Smith V, Fry C

---

---

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.

---

---

C  
o  
p  
y



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.

C  
O  
P  
Y

## 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:



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 14           for by law until the original declaration is withdrawn.

- 15           (b) A person may file both:
- 16           (1) a declaration of candidacy under this chapter for nomination
- 17           to a federal or state office; and
- 18           (2) a written request under IC 3-8-3-1 that the person's name be
- 19           placed on the ballot in a primary election as a candidate for
- 20           nomination for the office of President of the United States.
- 21           (c) A person may not file:
- 22           (1) a declaration of candidacy for a nomination; and
- 23           (2) a petition of nomination or declaration of intent to be a
- 24           write-in candidate for a school board office that is elected at the
- 25           same time as the primary election.

26           If a person files both a declaration of candidacy and a petition of  
 27           nomination described in this subsection, the matter shall be referred to  
 28           the county election board under section 18 of this chapter. The board  
 29           shall determine which document was most recently filed and shall  
 30           consider the previously filed document to have been withdrawn.

31           SECTION 3. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS  
 32           [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) Upon receipt of the certified  
 33           list under section 17 of this chapter, a county election board shall  
 34           immediately compile under the proper political party designation the  
 35           following:

- 36           (1) The title of each office.
- 37           (2) The name of each individual who has filed a request to be
- 38           placed on the presidential primary ballot.
- 39           (3) The names and addresses of all persons for whom declarations
- 40           of candidacy have been filed for nomination to an office on the
- 41           primary election ballot.
- 42           (4) The names and addresses of all persons who have filed a

**C**  
**O**  
**P**  
**Y**



1           petition of nomination for election to a school board office to be  
 2           chosen at the same time as the primary election.  
 3           ~~(5)~~ (4) The text of any public question to be placed on the ballot.  
 4           ~~(6)~~ (5) The date of the primary election.  
 5           ~~(7)~~ (6) The hours during which the polls will be open.  
 6           (b) The county election board shall do the following:  
 7               (1) Publish the information described in subsection (a) before the  
 8               primary election in accordance with IC 5-3-1.  
 9               (2) File a copy of the information described in subsection (a):  
 10               (A) with the election division; and  
 11               (B) in the minutes of the county election board.  
 12           (c) The county election board shall file the copies required under  
 13           subsection (b)(2) not later than noon ten (10) days before election day.  
 14           (d) An election is not invalidated by the failure of the board to  
 15           comply with this section.  
 16           (e) If the county election board receives an amendment from the  
 17           election division under section 17 of this chapter after:  
 18               (1) compilation of the information described in subsection (a) has  
 19               occurred; or  
 20               (2) the board determines that it is impractical to recompile  
 21               completely revised information;  
 22           the board is only required to file a copy of the amendment with the  
 23           minutes of the board.  
 24           SECTION 4. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS  
 25           A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 26           1, 2011]:  
 27           **Chapter 2.5. Nomination for School Board Office**  
 28           **Sec. 1. This chapter applies to a candidate for a school board**  
 29           **office.**  
 30           **Sec. 2. A candidate for a school board office must file a petition**  
 31           **of nomination in accordance with IC 3-8-6 and as required under**  
 32           **IC 20-23 or IC 20-25. The petition of nomination, once filed, serves**  
 33           **as the candidate's declaration of candidacy for a school board**  
 34           **office.**  
 35           **Sec. 3. A candidate for a school board office is not required to**  
 36           **file a statement of organization for the candidate's principal**  
 37           **committee unless the candidate has received contributions or made**  
 38           **expenditures requiring the filing of a statement under IC 3-9-1-5.5.**  
 39           **If a candidate for a school board office is required to file a**  
 40           **statement of organization for the candidate's principal committee,**  
 41           **the statement of organization must be filed by noon seven (7) days**  
 42           **after the final date for filing a petition of nomination or declaration**

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

of intent to be a write-in candidate.

**Sec. 4. (a) A petition of nomination for a school board office must be filed not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the general election. The petition must be subscribed and sworn to before a person authorized to administer oaths.**

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

SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

\_\_\_\_\_ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

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.

C  
o  
p  
y



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

**C**  
**O**  
**P**  
**Y**



1 placed on the primary election ballot in the following order after the  
2 offices described in subsection (b):

- 3 (1) Precinct committeeman.
- 4 (2) State convention delegate.

5 (d) The following offices and public questions shall be placed on the  
6 primary election ballot in the following order after the offices described  
7 in subsection (c):

- 8 ~~(1) School board offices to be elected at the primary election.~~
- 9 ~~(2) Other (1) Local offices to be elected at the primary election.~~
- 10 ~~(3) (2) Local public questions.~~

11 (e) The offices and public questions described in subsection (d)  
12 shall be placed:

- 13 (1) in a separate column on the ballot if voting is by paper ballot;
- 14 (2) after the offices described in subsection (c) in the form  
15 specified in IC 3-11-13-11 if voting is by ballot card; or
- 16 (3) either:

- 17 (A) on a separate screen for each office or public question; or
- 18 (B) after the offices described in subsection (c) in the form  
19 specified in IC 3-11-14-3.5;

20 if voting is by an electronic voting system.

21 (f) A public question shall be placed on the primary election ballot  
22 in the following form:

23 (The explanatory text for the public question,  
24 if required by law.)  
25 "Shall (insert public question)?"

- 26  YES
- 27  NO

28 SECTION 6. IC 3-10-1-19.2 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19.2. (a) Whenever  
30 candidates are to be nominated for an office that includes more than  
31 one (1) district, the districts shall be placed on the ballot in alphabetical  
32 or numerical order, according to the designation given to the district.

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

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

C  
o  
p  
y



1 SECTION 7. IC 3-10-1-32 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 32. Primary election  
 3 returns must contain the whole number of votes cast for **each of the**  
 4 **following:**

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

9 SECTION 8. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,  
 10 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2011]: Sec. 12. (a) In formulating a preliminary reorganization  
 12 plan and with respect to each of the community school corporations  
 13 that are a part of the reorganization plan, the county committee shall  
 14 determine the following:

- 15 (1) The name of the community school corporation.
- 16 (2) Subject to subsection (e), a general description of the  
 17 boundaries of the community school corporation.
- 18 (3) With respect to the board of school trustees, **the following:**
  - 19 (A) Whether the number of members is:
    - 20 (i) three (3);
    - 21 (ii) five (5); or
    - 22 (iii) seven (7).
  - 23 (B) Whether the members are elected or appointed.
  - 24 (C) If the members are appointed:
    - 25 (i) when the appointments are made; and
    - 26 (ii) who makes the appointments.
  - 27 (D) If the members are elected, ~~whether that~~ the election is at
    - 28 ~~(i) the primary election at which county officials are~~
    - 29 ~~nominated; or~~
    - 30 ~~(ii) the general election at which county officials are elected.~~
    - 31 ~~and~~
    - 32 (E) Subject to sections 21 and 22 of this chapter, the manner  
 33 in which members are elected or appointed.
- 34 (4) The compensation, if any, of the members of the regular and  
 35 interim board of school trustees, which may not exceed the  
 36 amount provided in IC 20-26-4-7.
- 37 (5) Subject to subsection (f), qualifications required of the  
 38 members of the board of school trustees, including limitations on:
  - 39 (A) residence; and
  - 40 (B) term of office.
- 41 (6) If an existing school corporation is divided in the  
 42 reorganization, the disposition of assets and liabilities.

C  
 O  
 P  
 Y



1 (7) The disposition of school aid bonds, if any.  
 2 (b) If existing school corporations are not divided in the  
 3 reorganization, the:  
 4 (1) assets;  
 5 (2) liabilities; and  
 6 (3) obligations;  
 7 of the existing school corporations shall be transferred to and assumed  
 8 by the new community school corporation of which they are a part,  
 9 regardless of whether the plan provides for transfer and assumption.  
 10 (c) The preliminary plan must be supported by a summary statement  
 11 of **the following**:  
 12 (1) The educational improvements the plan's adoption will make  
 13 possible.  
 14 (2) Data showing the:  
 15 (A) assessed valuation;  
 16 (B) number of resident students in ADA in grades 1 through  
 17 12;  
 18 (C) assessed valuation per student referred to in clause (B);  
 19 and  
 20 (D) property tax levies;  
 21 of each existing school corporation to which the plan applies.  
 22 (3) The:  
 23 (A) assessed valuation;  
 24 (B) resident ADA; and  
 25 (C) assessed valuation per student;  
 26 data referred to in subdivision 2(A) through 2(C) that would have  
 27 applied for each proposed community school corporation if the  
 28 corporation existed in the year the preliminary plan is prepared or  
 29 notice of a hearing or hearings on the preliminary plan is given by  
 30 the county committee. ~~and~~  
 31 (4) Any other data or information the county committee considers  
 32 appropriate or that may be required by the state board in its rules.  
 33 (d) The county committee:  
 34 (1) shall base the assessed valuations and tax levies referred to in  
 35 subsection (c)(2) through (c)(3) on the valuations applying to  
 36 taxes collected in:  
 37 (A) the year the preliminary plan is prepared; or  
 38 (B) the year notice of a hearing or hearings on the preliminary  
 39 plan is given by the county committee;  
 40 (2) may base the resident ADA figures on the calculation of the  
 41 figures under the rules under which they are submitted to the state  
 42 superintendent by existing school corporations; and

C  
O  
P  
Y



- 1 (3) shall set out the resident ADA figures for:
- 2 (A) the school year in progress if the figures are available for
- 3 that year; or
- 4 (B) the immediately preceding school year if the figures are
- 5 not available for the school year in progress.

6 The county committee may obtain the data and information referred to  
 7 in this subsection from any source the committee considers reliable. If  
 8 the county committee attempts in good faith to comply with this  
 9 subsection, the summary statement referred to in subsection (c) is  
 10 sufficient regardless of whether the statement is exactly accurate.

11 (e) The general description referred to in subsection (a)(2) may  
 12 consist of an identification of an existing school corporation that is to  
 13 be included in its entirety in the community school corporation. If a  
 14 boundary does not follow the boundary of an existing civil unit of  
 15 government or school corporation, the description must set out the  
 16 boundary:

- 17 (1) as near as reasonably possible by:
- 18 (A) streets;
- 19 (B) rivers; and
- 20 (C) other similar boundaries;
- 21 that are known by common names; or
- 22 (2) if descriptions as described in subdivision (1) are not possible,
- 23 by section lines or other legal description.

24 The description is not defective if there is a good faith effort by the  
 25 county committee to comply with this subsection or if the boundary  
 26 may be ascertained with reasonable certainty by a person skilled in the  
 27 area of real estate description. The county committee may require the  
 28 services of the county surveyor in preparing a description of a boundary  
 29 line.

- 30 (f) A member of the board of school trustees:
- 31 (1) may not serve an appointive or elective term of more than four
- 32 (4) years; and
- 33 (2) may serve more than one (1) consecutive appointive or
- 34 elective term.

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

39 **(b) If a plan provides for election of members of the governing**  
 40 **body, the members of the governing body shall be elected at a**  
 41 **general election. Each candidate must file a petition of nomination**  
 42 **in accordance with IC 3-8-2.5 that is signed by the candidate and**

C  
o  
p  
y



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

4 (c) All nominations shall be listed for each office in the form  
5 prescribed by IC 3-11-2, but without party designation. Voting and  
6 tabulation of votes shall be conducted in the same manner as voting  
7 and tabulation in general elections are conducted. The precinct  
8 election boards serving in each county shall conduct the election  
9 for members of the governing body. If a school corporation is  
10 located in more than one (1) county, each county election board  
11 shall print the ballots required for voters in that county to vote for  
12 candidates for members of the governing body.

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

18 (e) If the plan provides that members of the governing body are  
19 to be elected from residence districts by all voters in the  
20 community school corporation, nominees for the governing body  
21 shall be placed on the ballot in the form prescribed by IC 3-11-2,  
22 by residence districts without party designation. The ballot must  
23 state the number of members to be voted on and the maximum  
24 number of members that may be elected from each residence  
25 district as provided in the plan. A ballot is not valid if more than  
26 the maximum number of members are voted on from a board  
27 member residence district. The candidates who receive the most  
28 votes are elected. However, if more than the maximum number  
29 that may be elected from a residence district are among those  
30 receiving the most votes, the candidates from the residence districts  
31 exceeding the maximum number who receive the fewest votes shall  
32 be eliminated in determining the candidates who are elected.

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

40 SECTION 10. IC 20-23-4-30, AS ADDED BY P.L.230-2005,  
41 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2011]: Sec. 30. (a) This section applies to each school

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

corporation.

~~(b)~~ (b) If the governing body is to be elected at the primary election, each registered voter may vote in the governing body election without otherwise voting in the primary election.

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

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

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

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

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

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

- (1) a simple majority of the candidates elected as members of the governing body who receive the ~~highest~~ **greatest** number of votes shall be elected for four (4) year terms; and
- (2) the balance of the candidates elected as members of the governing body receiving the next ~~highest~~ **greatest** number of votes shall be elected for two (2) year terms.

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

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

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

C  
o  
p  
y



1           (2) in May take office and assume their duties on July † after their  
2           election.  
3           SECTION 11. IC 20-23-7-6, AS ADDED BY P.L.1-2005,  
4           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5           JULY 1, 2011]: Sec. 6. (a) The first metropolitan board of education  
6           shall be composed of the:  
7                 (1) trustees; and  
8                 (2) members of school boards;  
9           of the school corporations forming the metropolitan board of education.  
10          (b) The members of the metropolitan board of education shall serve  
11          ex officio as members subject to the laws concerning length of terms,  
12          powers of election, or appointment and filling vacancies applicable to  
13          their respective offices.  
14          (c) If a metropolitan school district is comprised of only two (2)  
15          board members, the two (2) members shall appoint a third board  
16          member not more than ten (10) days after the creation of the  
17          metropolitan school district. If the two (2) members are unable to agree  
18          on or do not make the appointment of a third board member within the  
19          ten (10) day period after the creation of the metropolitan school district,  
20          the third member shall be appointed not more than twenty (20) days  
21          after the creation of the metropolitan school district by the judge of the  
22          circuit court of the county in which the metropolitan school district is  
23          located. If the metropolitan school district is located in two (2) or more  
24          counties, the judge of the circuit court of the county containing that part  
25          of the metropolitan school district having more students than the part  
26          or parts located in another county or counties shall appoint the third  
27          member. The members of the metropolitan board of education serve  
28          until their successors are elected or appointed and qualified.  
29          (d) The first meeting of the first metropolitan board of education  
30          shall be held not more than one (1) month after the creation of the  
31          metropolitan school district. The first meeting shall be called by the  
32          superintendent of schools, or township trustee of a school township, of  
33          the school corporation in the district having the largest number of  
34          students. At the first meeting, the board shall organize, and **each year**  
35          during the first ten (10) days ~~of each July~~ **after the board members**  
36          **that are elected or appointed to a new term take office**, the board  
37          shall reorganize, by electing a president, a vice president, a secretary,  
38          and a treasurer.  
39          (e) The secretary of the board shall keep an accurate record of the  
40          minutes of the metropolitan board of education, and the minutes shall  
41          be kept in the superintendent's office. When a metropolitan school  
42          district is formed, the metropolitan superintendent shall act as

C  
o  
p  
y



1 administrator of the board and shall carry out the acts and duties as  
2 designated by the board. A quorum consists of a majority of the  
3 members of the board. A quorum is required for the transaction of  
4 business. The vote of a majority of those present is required for a:

- 5 (1) motion;
- 6 (2) ordinance; or
- 7 (3) resolution;

8 to pass.

9 (f) The board shall conduct its affairs in the manner described in this  
10 section. Except in unusual cases, the board shall hold its meetings at  
11 the office of the metropolitan superintendent or at a place mutually  
12 designated by the board and the superintendent. Board records are to  
13 be maintained and board business is to be conducted from the office of  
14 the metropolitan superintendent or a place designated by the board and  
15 the superintendent.

16 (g) The metropolitan board of education shall have the power to pay  
17 to a member of the board:

- 18 (1) a reasonable per diem for service on the board not to exceed  
19 one hundred twenty-five dollars (\$125) per year; and
- 20 (2) for travel to and from a member's home to the place of the  
21 meeting within the district, a sum for mileage equal to the amount  
22 per mile paid to state officers and employees. The rate per mile  
23 shall change when the state government changes its rate per mile.

24 SECTION 12. IC 20-23-7-8.1 IS ADDED TO THE INDIANA  
25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2011]: **Sec. 8.1. (a) The registered voters of  
27 the metropolitan school district shall elect the members of the  
28 metropolitan board of education at general elections held  
29 biennially, beginning with the next general election that is held  
30 more than sixty (60) days after the creation of the metropolitan  
31 school district as provided in this chapter.**

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

38 (c) Nominees for the board shall be listed on the general election  
39 ballot:

- 40 (1) in the form prescribed by IC 3-11-2;
- 41 (2) by board member districts; and
- 42 (3) without party designation.

C  
O  
P  
Y



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

6 (d) The precinct election boards in each county serving at the  
7 general election shall conduct the election for school board  
8 members.

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

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

15 (1) the number of candidates elected is the greatest number  
16 that may be elected from the board member district;

17 (2) the candidates elected are those who, among the  
18 candidates from the board member district, receive the most  
19 votes; and

20 (3) the other candidates from the board member district are  
21 eliminated.

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

27 (h) If, at any time after the first board member election, a  
28 vacancy on the board occurs for any reason, including an  
29 insufficient number of petitions for candidates being filed, and  
30 regardless of whether the vacating member was elected or  
31 appointed, the remaining members of the board, whether or not a  
32 majority of the board, shall by a majority vote fill the vacancy by:

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

35 (2) if the person was appointed, appointing a person from the  
36 board member district from which the last elected  
37 predecessor of the person was elected.

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

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**(i) At a general election held on the earlier of:**

- (1) more than sixty (60) days after an elected board member vacates membership on the board; or**
- (2) immediately before the end of the term for which the vacating member was elected;**

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

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

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

SECTION 13. IC 20-23-7-12, AS AMENDED BY P.L.1-2007, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) As used in this section, "county" means the county in which the school township is located.

(b) As used in this section, "school township" means a school township in Indiana that:

- (1) for the last full school semester immediately preceding:
  - (A) the adoption of a preliminary resolution by the township trustee and the township board under subsection (f); or
  - (B) the adoption of a resolution of disapproval by the township trustee and the township board under subsection (g);
 had an ADM of at least six hundred (600) students in kindergarten through grade 12 in the public schools of the school township; or
- (2) is part of a township in which there were more votes cast for township trustee outside the school township than inside the school township in the general election at which the trustee was

C  
o  
p  
y



1           elected and that preceded the adoption of the preliminary or  
2           disapproving resolution.

3           (c) As used in this section, "township board" means the township  
4           board of a township in which the school township is located.

5           (d) As used in this section, "township trustee" means the township  
6           trustee of the township in which the school township is located.

7           (e) In a school township, a metropolitan school district may be  
8           created by complying with this section. A metropolitan school district  
9           created under this section shall have the same boundaries as the school  
10          township. After a district has been created under this section, the  
11          school township that preceded the metropolitan school district is  
12          abolished. The procedures or provisions governing the creation of a  
13          metropolitan school district under another section of this chapter do not  
14          apply to the creation of a district under this section. After a  
15          metropolitan school district is created under this section, the district  
16          shall, except as otherwise provided in this section, be governed by and  
17          operate in accordance with this chapter governing the operation of a  
18          metropolitan school district as established under section 2 of this  
19          chapter.

20          (f) Except as provided in subsection (g), a metropolitan school  
21          district provided for in subsection (e) may be created in the following  
22          manner:

23                (1) The township trustee shall call a meeting of the township  
24                board. At the meeting, the township trustee and a majority of the  
25                township board shall adopt a resolution that a metropolitan school  
26                district shall be created in the school township. The township  
27                trustee shall then give notice:

28                    (A) by two (2) publications one (1) week apart in a newspaper  
29                    of general circulation published in the school township; or  
30                    (B) if there is no newspaper as described in clause (A), in a  
31                    newspaper of general circulation in the county;

32                of the adoption of the resolution setting forth the text of the  
33                resolution.

34                (2) On the thirtieth day after the date of the last publication of the  
35                notice under subdivision (1) and if a protest has not been filed, the  
36                township trustee and a majority of the township board shall  
37                confirm their preliminary resolution. If, however, on or before the  
38                twenty-ninth day after the date of the last publication of the  
39                notice, a number of registered voters of the school township,  
40                equal to five percent (5%) or more of the number of votes cast in  
41                the school township for secretary of state at the last preceding  
42                general election for that office, sign and file with the township

C  
O  
P  
Y



1 trustee a petition requesting an election in the school township to  
 2 determine whether or not a metropolitan school district must be  
 3 created in the township in accordance with the preliminary  
 4 resolution, then an election must be held as provided in  
 5 subsection (h). The preliminary resolution and confirming  
 6 resolution provided in this subsection shall both be adopted at a  
 7 meeting of the township trustee and township board in which the  
 8 township trustee and each member of the township board received  
 9 or waived a written notice of the date, time, place, and purpose of  
 10 the meeting. The resolution and the proof of service or waiver of  
 11 the notice shall be made a part of the records of the township  
 12 board.

13 (g) Except as provided in subsection (f), a metropolitan school  
 14 district may also be created in the following manner:

15 (1) A number of registered voters of the school township, equal  
 16 to five percent (5%) or more of the votes cast in the school  
 17 township for secretary of state at the last general election for that  
 18 office, shall sign and file with the township trustee a petition  
 19 requesting the creation of a metropolitan school district under this  
 20 section.

21 (2) The township trustee and a majority of the township board  
 22 shall, not more than ten (10) days after the filing of a petition:

23 (A) adopt a preliminary resolution that a metropolitan school  
 24 district shall be created in the school township and proceed as  
 25 provided in subsection (f); or

26 (B) adopt a resolution disapproving the creation of the district.

27 (3) If either the township trustee or a majority of township board  
 28 members vote in favor of disapproving the resolution, an election  
 29 must be held to determine whether or not a metropolitan school  
 30 district shall be created in the school township in the same  
 31 manner as is provided in subsection (f) if an election is requested  
 32 by petition.

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

40 (1) by two (2) publications one (1) week apart in a newspaper of  
 41 general circulation in the school township; or

42 (2) if a newspaper described in subdivision (1) does not exist, in

**C**  
**O**  
**P**  
**Y**



1 a newspaper of general circulation published in the county.  
 2 The notice must provide that on a day and time named in the notice, the  
 3 polls shall be opened at the usual voting places in the various precincts  
 4 in the school township for the purpose of taking the vote of the  
 5 registered voters of the school township regarding whether a  
 6 metropolitan school district shall be created in the township. The  
 7 election shall be held not less than twenty (20) days and not more than  
 8 thirty (30) days after the last publication of the notice unless a primary  
 9 or general election will be conducted not more than six (6) months after  
 10 the publication. In that case, the county election board shall place the  
 11 public question on the ballot at the primary or general election. If the  
 12 election is to be a special election, the township trustee shall give  
 13 notice not more than thirty (30) days after the filing of the petition or  
 14 the adoption of the disapproving resolution.

15 (i) On the day and time named in the notice, the polls shall be  
 16 opened and the votes of the voters shall be taken regarding whether a  
 17 metropolitan school district shall be created in the school township.  
 18 IC 3 governs the election except as otherwise provided in this chapter.  
 19 The county election board shall conduct the election. The public  
 20 question shall be placed on the ballot in the form prescribed by  
 21 IC 3-10-9-4 and must state, "Shall a metropolitan school district under  
 22 IC 20-23-7 be formed in the \_\_\_\_\_ School Township of  
 23 \_\_\_\_\_ County, Indiana?". The name of the school township  
 24 shall be inserted in the blanks.

25 (j) The votes cast in the election shall be canvassed at a place in the  
 26 school township determined by the county election board. The  
 27 certificate of the votes cast for and against the creation of a  
 28 metropolitan school district shall be filed in the records of the township  
 29 board and recorded with the county recorder. If the special election is  
 30 not conducted at a primary or general election, the school township  
 31 shall pay the expense of holding the election out of the school general  
 32 fund that is appropriated for this purpose.

33 (k) A metropolitan school district shall, subject to section 7 of this  
 34 chapter, be created on the thirtieth day after the date of the adoption of  
 35 the confirming resolution under subsection (f) or an election held under  
 36 subsection (h). If a public official fails to do the official's duty within  
 37 the time prescribed in this section, the failure does not invalidate the  
 38 proceedings taken under this section. An action to contest the validity  
 39 of the creation of a metropolitan school district under this section or to  
 40 enjoin the operation of a metropolitan school district may not be  
 41 instituted later than the thirtieth day following the date of the adoption  
 42 of the confirming resolution under subsection (f) or of the election held

COPY



1 under subsection (h). Except as provided in this section, an election  
 2 under this subsection may not be held sooner than twelve (12) months  
 3 after another election held under subsection (h).

4 (l) A metropolitan school district is known as "The Metropolitan  
 5 School District of \_\_\_\_\_ Township, \_\_\_\_\_ County,  
 6 Indiana". The first metropolitan board of education in a metropolitan  
 7 school district created under this section consists of five (5) members.  
 8 The township trustee and the township board members are ex officio  
 9 members of the first board, subject to the laws concerning length of  
 10 their respective terms of office, manner of election or appointment, and  
 11 the filling of vacancies applicable to their respective offices. The ex  
 12 officio members serve without compensation or reimbursement for  
 13 expenses, other than that which they may receive from their respective  
 14 offices. The township board shall, by a resolution recorded in its  
 15 records, appoint the fifth member of the metropolitan board of  
 16 education. The fifth member shall meet the qualifications of a member  
 17 of a metropolitan board of education under this chapter, with the  
 18 exception of the board member district requirements provided in  
 19 sections 4, 5, and § 8.1 of this chapter.

20 (m) A fifth board member shall be appointed not more than fifteen  
 21 (15) days after the date of the adoption of the confirming resolution  
 22 under subsection (f)(2) or an election held under subsection (h). The  
 23 first board shall hold its first meeting not more than fifteen (15) days  
 24 after the date when the fifth board member is appointed or elected, on  
 25 a date established by the township board in the resolution in which it  
 26 appoints the fifth board member. The first board shall serve until ~~July~~  
 27 **† January 1** following the election of a metropolitan school board at  
 28 the first **primary general** election held more than sixty (60) days  
 29 following the creation of the metropolitan school district.

30 (n) After the creation of a metropolitan school district under this  
 31 section, the president of the metropolitan school board of the district  
 32 shall serve as a member of the county board of education and perform  
 33 the duties on the county board of education that were previously  
 34 performed by the township trustee. The metropolitan school board and  
 35 superintendent of the district may call upon the assistance of and use  
 36 the services provided by the county superintendent of schools. This  
 37 subsection does not limit or take away the powers, rights, privileges, or  
 38 duties of the metropolitan school district or the board or superintendent  
 39 of the district provided in this chapter.

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

C  
O  
P  
Y



1 following items:

2 (1) The number of members of the governing body, which shall  
3 be:

4 (A) three (3);

5 (B) five (5); or

6 (C) seven (7);

7 members.

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

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

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

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

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

22 **(A) The number of appointed members.**

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

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

27 **(D) The number of elected members.**

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

30 ~~(5)~~ **(6) The limitations on:**

31 (A) residence;

32 (B) term of office; and

33 (C) other qualifications;

34 required by members of the governing body.

35 ~~(6)~~ **(7) The time the plan takes effect.**

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

40 (b) Except as provided in subsection (a)(1), in a city having a  
41 population of more than fifty-nine thousand seven hundred (59,700)  
42 but less than sixty-five thousand (65,000), the governing body

C  
O  
P  
Y



1 described in a plan may have up to nine (9) members.  
 2 SECTION 15. IC 20-23-8-10, AS ADDED BY P.L.1-2005,  
 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2011]: Sec. 10. (a) A change in a plan may be initiated by one  
 5 (1) of the following procedures:  
 6 (1) By filing a petition signed by at least ~~twenty percent (20%)~~  
 7 **ten percent (10%)** of the voters of the school corporation with  
 8 the clerk of the circuit court.  
 9 (2) By a resolution adopted by the governing body of the school  
 10 corporation.  
 11 (3) By ordinance adopted by a city legislative body under section  
 12 13 of this chapter.  
 13 (b) A petition, resolution, or ordinance must set forth a description  
 14 of the plan that conforms with section 7 of this chapter.  
 15 (c) ~~Except as provided in subsection (a)(1), in a city having a~~  
 16 ~~population of more than fifty-nine thousand seven hundred (59,700)~~  
 17 ~~but less than sixty-five thousand (65,000), a change in a plan may be~~  
 18 ~~initiated by filing a petition signed by ten percent (10%) or more of the~~  
 19 ~~voters of the school corporation with the clerk of the circuit court.~~  
 20 SECTION 16. IC 20-23-8-21, AS ADDED BY P.L.1-2005,  
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2011]: Sec. 21. An election may not be held under this chapter  
 23 more than once each eighteen (18) months. A plan for a governing  
 24 body may not be adopted more than once each six (6) years, except if  
 25 **either of the following applies:**  
 26 ~~(1) the plan only changes the time of voting for board members~~  
 27 ~~from the primary to the general election or from the general to the~~  
 28 ~~primary election;~~  
 29 ~~(2) (1) A plan adopted is declared or held to be invalid by a~~  
 30 ~~binding judgment or order in a United States or an Indiana court~~  
 31 ~~that no appeal or further approval can be taken. or~~  
 32 ~~(3) (2) The plan provides solely for changes in items specified in~~  
 33 ~~section 7(a)(5) of this chapter.~~  
 34 SECTION 17. IC 20-23-10-8, AS ADDED BY P.L.1-2005,  
 35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2011]: Sec. 8. (a) The board members of a merged school  
 37 corporation shall be elected at the first **primary general** election  
 38 following the merged school corporation's creation, and vacancies shall  
 39 be filled in accordance with IC 20-23-4-30.  
 40 (b) Until the first election under subsection (a), the board of trustees  
 41 of the merged school corporation consists of:  
 42 (1) the members of the governing body of a school corporation in

C  
o  
p  
y



1 the county other than a school township; and  
 2 (2) the township trustee of a school township in the county.  
 3 (c) The first board of trustees shall select the name of the merged  
 4 school corporation by a majority vote. The name may be changed by  
 5 unanimous vote of the governing body of the merged school  
 6 corporation.  
 7 SECTION 18. IC 20-23-12-3, AS ADDED BY P.L.1-2005,  
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2011]: Sec. 3. (a) The governing body of the school  
 10 corporation consists of seven (7) members elected as follows:  
 11 (1) On a nonpartisan basis.  
 12 (2) In a **primary general** election ~~held~~ in the county.  
 13 (b) Six (6) of the members shall be elected from the school districts  
 14 drawn under section 4 of this chapter. Each member:  
 15 (1) is elected from the school district in which the member  
 16 resides; and  
 17 (2) upon election and in conducting the business of the governing  
 18 body, represents the interests of the entire school corporation.  
 19 (c) One (1) of the members elected:  
 20 (1) is the at-large member of the governing body;  
 21 (2) may reside in any of the districts drawn under section 4 of this  
 22 chapter; and  
 23 (3) upon election and in conducting the business of the governing  
 24 body, represents the interests of the entire school corporation.  
 25 SECTION 19. IC 20-23-12-8, AS ADDED BY P.L.1-2005,  
 26 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2011]: Sec. 8. (a) The term of each person elected to serve on  
 28 the governing body  
 29 ~~(1)~~ is four (4) years. ~~and~~  
 30 ~~(2)~~ begins  
 31 (b) **The term of each person elected to serve on the governing**  
 32 **body begins** the ~~July 1~~ **January 1** that next follows the person's  
 33 election.  
 34 SECTION 20. IC 20-23-12-9, AS ADDED BY P.L.1-2005,  
 35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2011]: Sec. 9. The members are elected as follows:  
 37 (1) Three (3) of the members elected under section 3(b) of this  
 38 chapter are elected at the **primary general** election to be held in  
 39 ~~2008~~ **2012** and every four (4) years thereafter.  
 40 (2) Three (3) of the members elected under section 3(b) of this  
 41 chapter are elected at the **primary general** election to be held in  
 42 ~~2006~~ **2014** and every four (4) years thereafter.

COPY



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

4 SECTION 21. IC 20-23-13-1, AS ADDED BY P.L.230-2005,  
5 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2011]: Sec. 1. (a) In a community school corporation  
7 established under IC 20-23-4 that:

- 8 (1) has a population of more than seventy-five thousand (75,000)
- 9 but less than ninety thousand (90,000); and
- 10 (2) is the successor in interest to a school city having the same
- 11 population;

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

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

20 ~~(c) At the 2006 primary election and at each primary election every~~  
21 ~~four (4) years thereafter, there shall be elected in each school city~~  
22 ~~covered by this chapter three (3) governing body members; each of~~  
23 ~~whom shall serve for four (4) years. The three (3) candidates for the~~  
24 ~~office of school trustee receiving the highest number of votes at the~~  
25 ~~election take office on July 1 next following the election.~~

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

29 SECTION 22. IC 20-23-13-2.1 IS ADDED TO THE INDIANA  
30 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2011]: **Sec. 2.1. (a) As used in this section,**  
32 **"county election board" includes a board of elections and**  
33 **registration established under IC 3-6-5.2.**

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

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

**C**  
**O**  
**P**  
**Y**



1           **(1) The petition must be signed by at least two hundred (200)**  
2           **legal voters of the school corporation.**  
3           **(2) Each petition may nominate only one (1) candidate.**  
4           **(3) The number of petitions signed by a legal voter may not**  
5           **exceed the number of school trustees to be elected.**  
6           **(d) After all the petitions described in subsection (c) are filed**  
7           **with the county election board, the board shall publish the names**  
8           **of those nominated in accordance with IC 5-3-1 and shall certify**  
9           **the nominations in the manner required by law. IC 3 governs the**  
10           **election to the extent that it is not inconsistent with this chapter.**  
11           **(e) The county election board shall prepare the ballot for the**  
12           **general election at which members of the governing body are to be**  
13           **elected so that the names of the candidates nominated appear on**  
14           **the ballot:**  
15               **(1) in alphabetical order;**  
16               **(2) without party designation; and**  
17               **(3) in the form prescribed by IC 3-11-2.**  
18           **(f) The county election board shall not publish or place on the**  
19           **ballot the name of a candidate who is not eligible under this**  
20           **chapter for membership on the governing body.**  
21           **(g) Each voter may vote for as many candidates as there are**  
22           **members of the governing body to be elected.**  
23           SECTION 23. IC 20-23-13-3, AS ADDED BY P.L.1-2005,  
24           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25           JULY 1, 2011]: Sec. 3. The intent of this chapter is to provide that the  
26           governing body of the school corporations to which it relates shall be  
27           elected as provided in:  
28               **(1) IC 20-23-4-27; and ~~IC 20-23-4-29~~ through**  
29               **(2) IC 20-23-4-29.1;**  
30               **(3) IC 20-23-4-30; and**  
31               **(4) IC 20-23-4-31;**  
32           but this chapter prevails over any conflicting provisions of IC 20-23-4  
33           relating to any school corporation.  
34           SECTION 24. IC 20-23-14-5, AS ADDED BY P.L.230-2005,  
35           SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36           JULY 1, 2011]: Sec. 5. To be eligible to be a candidate for the  
37           governing body under this chapter, the following apply:  
38               (1) Each prospective candidate must file a **petition of** nomination  
39               ~~petition~~ with the board of elections and registration not earlier  
40               than one hundred four (104) days and not later than noon  
41               seventy-four (74) days before the **primary general** election at  
42               which the members are to be elected. ~~that includes~~ **The petition**

C  
o  
p  
y



- 1           **of nomination must include** the following: ~~information:~~
- 2           (A) The name of the prospective candidate.
- 3           (B) Whether the prospective candidate is a district candidate
- 4           or an at-large candidate.
- 5           (C) A certification that the prospective candidate meets the
- 6           qualifications for candidacy imposed under this chapter.
- 7           (D) The signatures of at least one hundred (100) registered
- 8           voters residing in the school corporation.
- 9       (2) Each prospective candidate for a district position must:
- 10          (A) reside in the district; and
- 11          (B) have resided in the district for at least the three (3) years
- 12          immediately preceding the election.
- 13       (3) Each prospective candidate for an at-large position must:
- 14          (A) reside in the school corporation; and
- 15          (B) have resided in the school corporation for at least the three
- 16          (3) years immediately preceding the election.
- 17       (4) Each prospective candidate (regardless of whether the
- 18          candidate is a district candidate or an at-large candidate) must:
- 19          (A) be a registered voter;
- 20          (B) have been a registered voter for at least the three (3) years
- 21          immediately preceding the election; and
- 22          (C) be a high school graduate or have received a:
- 23             (i) high school equivalency certificate; or
- 24             (ii) state general educational development (GED) diploma
- 25             under IC 20-20-6.
- 26       (5) A prospective candidate may not:
- 27          (A) hold any other elective or appointive office; or
- 28          (B) have a pecuniary interest in any contract with the school
- 29          corporation or its governing body;
- 30          as prohibited by law.

C  
o  
p  
y

31           SECTION 25. IC 20-23-14-8, AS ADDED BY P.L.1-2005,  
 32           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33           JULY 1, 2011]: Sec. 8. (a) The term of each person elected to serve on  
 34           the governing body

- 35           ~~(1)~~ is four (4) years. ~~and~~
- 36           ~~(2)~~ begins

37           **(b) The term of each person elected to serve on the governing**  
 38           **body begins on the July + January 1** that next follows the person's  
 39           election.

40           SECTION 26. IC 20-23-14-9, AS ADDED BY P.L.1-2005,  
 41           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42           JULY 1, 2011]: Sec. 9. The members are elected as follows:



1 (1) Three (3) of the members are elected at the **primary general**  
 2 election to be held in ~~2008~~ **2012** and every four (4) years  
 3 thereafter.  
 4 (2) Two (2) of the members are elected at the **primary general**  
 5 election to be held in ~~2006~~ **2014** and every four (4) years  
 6 thereafter.  
 7 SECTION 27. IC 20-25-3-4, AS AMENDED BY P.L.1-2006,  
 8 SECTION 322, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The board consists of seven  
 10 (7) members. A member:  
 11 (1) must be elected on a nonpartisan basis in **primary general**  
 12 elections held in the county as specified in this section; and  
 13 (2) serves a four (4) year term.  
 14 (b) Five (5) members shall be elected from the school board districts  
 15 in which the members reside, and two (2) members must be elected at  
 16 large. Not more than two (2) of the members who serve on the board  
 17 may reside in the same school board district.  
 18 (c) If a candidate runs for one (1) of the district positions on the  
 19 board, only eligible voters residing in the candidate's district may vote  
 20 for that candidate. If a person is a candidate for one (1) of the at-large  
 21 positions, eligible voters from all the districts may vote for that  
 22 candidate.  
 23 (d) If a candidate files to run for a position on the board, the  
 24 candidate must specify whether the candidate is running for a district  
 25 or an at-large position.  
 26 (e) A candidate who runs for a district or an at-large position wins  
 27 if the candidate receives the greatest number of votes of all the  
 28 candidates for the position.  
 29 (f) Districts shall be established within the school city by the state  
 30 board. The districts must be drawn on the basis of precinct lines, and  
 31 as nearly as practicable, of equal population with the population of the  
 32 largest district not to exceed the population of the smallest district by  
 33 more than five percent (5%). District lines must not cross precinct  
 34 lines. The state board shall establish:  
 35 (1) balloting procedures for the election under IC 3; and  
 36 (2) other procedures required to implement this section.  
 37 (g) A member of the board serves under section 3 of this chapter.  
 38 (h) In accordance with subsection (k), a vacancy in the board shall  
 39 be filled temporarily by the board as soon as practicable after the  
 40 vacancy occurs. The member chosen by the board to fill a vacancy  
 41 holds office until the member's successor is elected and qualified. The  
 42 successor shall be elected at the next regular school board election

COPY



1 occurring after the date on which the vacancy occurs. The successor  
2 fills the vacancy for the remainder of the term.

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

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

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

15 SECTION 28. IC 33-33-53-5, AS AMENDED BY P.L.2-2006,  
16 SECTION 183, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2011]: Sec. 5. In accordance with rules adopted  
18 by the judges of the court under section 6 of this chapter, the presiding  
19 judge shall do the following:

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

- 29 IC 8-4-21-2
- 30 IC 11-12-2-2
- 31 IC 16-22-2-4
- 32 IC 16-22-2-11
- 33 IC 16-22-7
- 34 IC 20-23-4
- 35 IC 20-23-7-6
- 36 ~~IC 20-23-7-8~~ **IC 20-23-7-8.1**
- 37 IC 20-26-7-8
- 38 IC 20-26-7-14
- 39 IC 20-47-2-15
- 40 IC 20-47-3-13
- 41 IC 36-9
- 42 IC 36-10

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

IC 36-12-10-10.

(4) Make appointments or selections required of a circuit or superior court judge by any other statute, if the appointment or selection is not required of the court because of an action before the court.

SECTION 29. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: IC 3-8-2-2.2; IC 20-23-4-29; IC 20-23-7-8; IC 20-23-13-2.

SECTION 30. [EFFECTIVE JULY 1, 2011] (a) **The county 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.**

C  
o  
p  
y



## 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**

C  
O  
P  
Y



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

HB 1074—LS 6675/DI 102+



COPY

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.)

FRIZZELL

C  
O  
P  
Y

