

---

---

## SENATE BILL No. 326

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-4-11; IC 3-8; IC 3-10-1; IC 3-11; IC 3-12-1-7; IC 3-13-7; IC 20-23; IC 20-25-3-4; IC 33-33-53-5.

**Synopsis:** School board elections. Requires that school board members who are selected by election must be nominated as candidates of political parties at primary elections and elected at general elections beginning in 2012. Repeals provisions related to the election of school board members on a nonpartisan basis at primary elections.

**Effective:** July 1, 2011.

---

---

### Banks, Delph, Kruse

---

---

January 10, 2011, read first time and referred to Committee on Elections.

---

---

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

# SENATE BILL No. 326



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 that is subject**  
 5 **to any 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 nominated at the 2012 primary election;**  
 2           **(2) be elected at the 2012 general election; and**  
 3           **(3) take office January 1, 2013.**  
 4           **(c) This subsection applies to a member of a governing body**  
 5 **elected at the 2010 primary election. The successor of such a**  
 6 **member shall:**  
 7           **(1) be nominated at the 2014 primary election;**  
 8           **(2) be elected at the 2014 general election; and**  
 9           **(3) take office January 1, 2015.**  
 10          **(d) This section expires July 1, 2016.**  
 11          SECTION 2. IC 3-8-2-2 IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2011]: Sec. 2. A person who desires to be  
 13 nominated at a primary election as a candidate of a political party  
 14 subject to this chapter for a federal, state, legislative, ~~or~~ local, **or school**  
 15 **board** office shall file a declaration of candidacy.  
 16          SECTION 3. IC 3-8-2-2.2, AS AMENDED BY P.L.1-2005,  
 17 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2011]: Sec. 2.2. ~~(a) A candidate for a school board office must~~  
 19 ~~file a petition of nomination in accordance with IC 3-8-6 and as~~  
 20 ~~required under IC 20-23-12, IC 20-23-14, or IC 20-23-4. The petition~~  
 21 ~~of nomination, once filed, serves as the candidate's declaration of~~  
 22 ~~candidacy for a school board office.~~  
 23          ~~(b) A candidate for a school board office is not required to file a~~  
 24 ~~statement of organization for the candidate's principal committee by~~  
 25 ~~noon seven (7) days after the final date for filing a petition of~~  
 26 ~~nomination or declaration of intent to be a write-in candidate unless the~~  
 27 ~~candidate has received contributions or made expenditures requiring~~  
 28 ~~the filing of a statement under IC 3-9-1-5.5. **If a candidate for a**~~  
 29 ~~**school board office is required to file a statement of organization**~~  
 30 ~~**for the candidate's principal committee, the statement of**~~  
 31 ~~**organization must be filed by noon seven (7) days after the final**~~  
 32 ~~**date for filing a declaration of candidacy or declaration of intent**~~  
 33 ~~**to be a write-in candidate.**~~  
 34          SECTION 4. IC 3-8-2-2.7, AS AMENDED BY P.L.164-2006,  
 35 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2011]: Sec. 2.7. ~~(a) This subsection does not apply to a~~  
 37 ~~write-in candidate for school board office who is subject to section~~  
 38 ~~2-6(c) of this chapter. A candidate may withdraw a declaration of intent~~  
 39 ~~to be a write-in candidate not later than noon July 15 before a general~~  
 40 ~~or municipal election.~~  
 41          ~~(b) This subsection applies to a candidate who filed a declaration of~~  
 42 ~~intent to be a write-in candidate with the election division. The election~~

C  
o  
p  
y



1 division shall issue a corrected certification of write-in candidates  
 2 under IC 3-8-7-30 as soon as practicable after a declaration is  
 3 withdrawn under this section.

4 SECTION 5. IC 3-8-2-4, AS AMENDED BY P.L.164-2006,  
 5 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2011]: Sec. 4. (a) A declaration of candidacy for a primary  
 7 election must be filed not later than noon seventy-four (74) days and  
 8 not earlier than one hundred four (104) days before the primary  
 9 election. The declaration must be subscribed and sworn to before a  
 10 person authorized to administer oaths.

11 (b) ~~This subsection does not apply to a write-in candidate for school~~  
 12 ~~board office who is subject to section 2-6(c) of this chapter.~~ A  
 13 declaration of intent to be a write-in candidate must be filed:

- 14 (1) not earlier than the first date specified in IC 3-8-6-10(b) for  
 15 the timely filing of a petition of nomination; and  
 16 (2) not later than noon on the date specified by IC 3-13-1-15(c)  
 17 for a major political party to file a certificate of candidate  
 18 selection.

19 The declaration must be subscribed and sworn to before a person  
 20 authorized to administer oaths.

21 (c) During a year in which a federal decennial census, federal  
 22 special census, special tabulation, or corrected population count  
 23 becomes effective under IC 1-1-3.5, a declaration of:

- 24 (1) candidacy may be filed for an office that will appear on the  
 25 primary election ballot; or  
 26 (2) intent to be a write-in candidate for an office that will appear  
 27 on the general, municipal, or school board election ballot;

28 that year as a result of the new tabulation of population or corrected  
 29 population count.

30 SECTION 6. IC 3-8-2-6 IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A declaration of candidacy  
 32 for:

- 33 (1) any local office not described in section 5 of this chapter;  
 34 **(2) school board office;**  
 35 ~~(2) (3) precinct committeeman;~~ or  
 36 ~~(3) (4) delegate to a state convention;~~

37 shall be filed in the office of the county election board located in the  
 38 county seat.

39 (b) Whenever the election district for a local office includes more  
 40 than one (1) county, the declaration of candidacy shall be filed in the  
 41 office of the county election board located in the county seat of the  
 42 county that contains the greatest percentage of population of the

C  
O  
P  
Y



1 election district.

2 (c) This subsection applies to a county having a population of more  
3 than four hundred thousand (400,000) but less than seven hundred  
4 thousand (700,000). The chief deputy of the combined election board  
5 and board of registration shall post for public inspection a copy of each  
6 declaration of candidacy filed under this section on the day the  
7 declaration is filed.

8 SECTION 7. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) A person who files a  
10 declaration of candidacy for an elected office for which a per diem or  
11 salary is provided for by law is disqualified from filing a declaration of  
12 candidacy for another office for which a per diem or salary is provided  
13 for by law until the original declaration is withdrawn.

14 (b) A person may file both:

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

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

20 (c) A person may not file:

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

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

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

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

35 (1) The title of each office.

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

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

41 (4) The names and addresses of all persons who have filed a  
42 petition of nomination for election to a school board office to be

C  
o  
p  
y



1           ~~chosen at the same time as the primary election.~~  
2           ~~(5)~~ (4) The text of any public question to be placed on the ballot.  
3           ~~(6)~~ (5) The date of the primary election.  
4           ~~(7)~~ (6) The hours during which the polls will be open.  
5           (b) The county election board shall do the following:  
6               (1) Publish the information described in subsection (a) before the  
7               primary election in accordance with IC 5-3-1.  
8               (2) File a copy of the information described in subsection (a):  
9                   (A) with the election division; and  
10                  (B) in the minutes of the county election board.  
11           (c) The county election board shall file the copies required under  
12           subsection (b)(2) not later than noon ten (10) days before election day.  
13           (d) An election is not invalidated by the failure of the board to  
14           comply with this section.  
15           (e) If the county election board receives an amendment from the  
16           election division under section 17 of this chapter after:  
17               (1) compilation of the information described in subsection (a) has  
18               occurred; or  
19               (2) the board determines that it is impractical to recompile  
20               completely revised information;  
21           the board is only required to file a copy of the amendment with the  
22           minutes of the board.  
23           SECTION 9. IC 3-8-6-14 IS AMENDED TO READ AS FOLLOWS  
24           [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) A person may not be  
25           selected as a candidate by petition of nomination without giving written  
26           consent and having it filed with the public official with whom  
27           certificates and petitions of nomination are required to be filed.  
28           (b) Each candidate nominated by petition of nomination must satisfy  
29           all statutory eligibility requirements for the office for which the  
30           candidate is nominated, including the filing of statements of economic  
31           interest.  
32           (c) All questions concerning the validity of a petition of nomination  
33           filed with the secretary of state or contesting the denial of certification  
34           under section 12(d) of this chapter shall be referred to and determined  
35           by the commission. A statement questioning the validity of a petition  
36           of nomination or contesting the denial of certification under section  
37           12(d) of this chapter must be filed with the election division under  
38           IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74)  
39           days before the date on which the general or municipal election will be  
40           held for the office.  
41           (d) All questions concerning the validity of a petition of nomination  
42           filed with a circuit court clerk or contesting the denial of certification

C  
O  
P  
Y



1 under section 12(d) of this chapter shall be referred to and determined  
 2 by the county election board. A statement questioning the validity of a  
 3 petition of nomination or contesting the denial of certification under  
 4 section 12(d) of this chapter must be filed with the county election  
 5 board under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon  
 6 seventy-four (74) days before the date on which the general or  
 7 municipal election will be held for the office.

8 (e) ~~This subsection does not apply to a petition of nomination for~~  
 9 ~~election to a school board office subject to IC 3-8-2-14.~~ The  
 10 commission or a county election board shall rule on the validity of the  
 11 petition of nomination or the denial of certification under section 12(d)  
 12 of this chapter not later than noon sixty (60) days before the date on  
 13 which the general or municipal election will be held for the office.

14 (f) ~~This subsection applies to a petition of nomination for election~~  
 15 ~~to a school board office elected in a general election. All questions~~  
 16 ~~concerning the validity of the petition of nomination shall be referred~~  
 17 ~~to and determined by the county election board not later than noon~~  
 18 ~~fifty-four (54) days before the date of the general election. A statement~~  
 19 ~~questioning the validity of a petition of nomination must be filed with~~  
 20 ~~the county election board under IC 3-8-1-2(c) not later than noon~~  
 21 ~~sixty-seven (67) days before the date of the general election.~~

22 SECTION 10. IC 3-8-6-17 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) If:

- 24 (1) a petition of nomination contains the name of at least one (1)  
 25 candidate who seeks to be placed on the ballot as the candidate of  
 26 a political party described by section 1 of this chapter; and  
 27 (2) a candidate listed on the petition ceases to be a candidate after  
 28 the petition is circulated for signature or filed;

29 the candidate may be replaced on the petition in accordance with this  
 30 section.

31 (b) This subsection applies to a candidate described in subsection  
 32 (a) who sought a federal, state, or legislative office or a local office  
 33 described by IC 3-8-2-5. The state chairman of the political party may  
 34 file a written statement with the election division stating the name of  
 35 the substitute candidate. The statement must:

- 36 (1) be on a form prescribed by the commission;  
 37 (2) state the following:  
 38 (A) the name of the individual who ceased to be a candidate;  
 39 (B) the date and reason the individual ceased to be a  
 40 candidate; and  
 41 (C) the name of the individual who will replace the candidate  
 42 as:

C  
o  
p  
y



- 1 (i) the individual wants the individual's name to appear on  
 2 the ballot; and  
 3 (ii) the individual's name is permitted to appear on the ballot  
 4 under IC 3-5-7; and  
 5 (3) be accompanied by the following:  
 6 (A) The replacement candidate's consent to be nominated by  
 7 the petition and, if other candidates were listed on the petition,  
 8 the signed consent of those candidates to be the replacement.  
 9 (B) The former candidate's statement of withdrawal in a form  
 10 substantially similar to the form prescribed under IC 3-8-7-28  
 11 if the individual withdrew as a candidate.

12 A replacement candidate's consent to the nomination must include a  
 13 statement that the candidate requests the name on the candidate's voter  
 14 registration record be the same as the name the candidate uses on the  
 15 consent to the nomination. If there is a difference between the name on  
 16 the candidate's consent to the nomination and the name on the  
 17 candidate's voter registration record, the officer with whom the consent  
 18 to the nomination is filed shall forward the information to the voter  
 19 registration officer of the appropriate county as required by  
 20 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
 21 shall change the name on the candidate's voter registration record to be  
 22 the same as the name on the candidate's consent to the nomination.

23 (c) This subsection applies to a candidate described in subsection  
 24 (a) who sought a local office other than a local office described by  
 25 IC 3-8-2-5 **or a school board office**. The county, city, or town  
 26 chairman of the political party may file a written statement that  
 27 conforms with subsection (b) with the election board conducting the  
 28 election for the local **or school board** office.

29 (d) The statement required under subsection (b) or (c) must be filed  
 30 not later than the final date and time for the certification of presidential  
 31 and vice presidential nominees under IC 3-10-4-5.

32 (e) If a petition of nomination is circulated or filed by an  
 33 independent candidate and that individual ceases to be a candidate,  
 34 another candidate may not be substituted on the petition of nomination.

35 SECTION 11. IC 3-8-7-4 IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2011]: Sec. 4. A person nominated at a primary  
 37 election held under this title within a county, ~~or~~ a municipality, **or a**  
 38 **school corporation** does not have to be certified as a candidate to any  
 39 election board.

40 SECTION 12. IC 3-10-1-4 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) At a primary  
 42 election each political party subject to section 2 of this chapter shall

C  
o  
p  
y



1 nominate its candidates for the following offices to be voted for at the  
2 general election:

- 3 (1) United States Senator.
- 4 (2) Governor.
- 5 (3) United States Representative.
- 6 (4) Legislative offices.
- 7 (5) Local offices.
- 8 **(6) School board offices.**

9 (b) In addition, each political party subject to section 2 of this  
10 chapter shall:

- 11 (1) vote on candidates for nomination as President of the United  
12 States;
- 13 (2) elect delegates from each county to the party's state  
14 convention; and
- 15 (3) elect a precinct committeeman for each precinct in the county  
16 if precinct committeemen are to be elected under section 4.5 of  
17 this chapter.

18 SECTION 13. IC 3-10-1-18, AS AMENDED BY P.L.221-2005,  
19 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2011]: Sec. 18. (a) Except as provided by subsection (b), the  
21 names of all candidates for each office who have qualified under IC 3-8  
22 shall be arranged in alphabetical order by surnames under the  
23 designation of the office.

24 (b) This subsection applies to a county having a population of more  
25 than four hundred thousand (400,000) but less than seven hundred  
26 thousand (700,000). The names of all candidates for each office who  
27 have qualified under IC 3-8, except for a ~~school board office~~, precinct  
28 committeeman or state convention delegate, shall be arranged in  
29 random order by surnames under the designation of the office. The  
30 random order shall be determined using a lottery. The lottery held in  
31 accordance with this subsection shall be conducted in public by the  
32 county election board. The lottery shall be held not later than fifteen  
33 (15) days following the last day for a declaration of candidacy under  
34 IC 3-8-2-4. All candidates whose names are to be arranged by way of  
35 the lottery shall be notified at least five (5) days prior to the lottery of  
36 the time and place at which the lottery is to be held. Each candidate  
37 may have one (1) designated watcher, and each county political party  
38 may have one (1) designated watcher who shall be allowed to observe  
39 the lottery procedure.

40 (c) For paper ballots, the left margin of the ballot for each political  
41 party must show the name of the uppermost candidate printed to the  
42 right of the number 1, the next candidate number 2, the next candidate

C  
o  
p  
y



1 number 3, and so on, consecutively to the end of the ballot as  
2 prescribed in section 19 of this chapter. The same order shall be  
3 followed for the printing of ballot labels and their placement on the  
4 electronic voting system and for the printing of ballot cards.

5 (d) This subsection applies to a county having a population of more  
6 than four hundred thousand (400,000) but less than seven hundred  
7 thousand (700,000). If there is insufficient room on a row to list each  
8 candidate of a political party, a second or subsequent row may be  
9 utilized. However, a second or subsequent row may not be utilized  
10 unless the first row, and all preceding rows, have been filled.

11 SECTION 14. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,  
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2011]: Sec. 19. (a) The ballot for a primary election shall be  
14 printed in substantially the following form for all the offices for which  
15 candidates have qualified under IC 3-8:

16 OFFICIAL PRIMARY BALLOT

17 \_\_\_\_\_ Party

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

28 Vote for one (1) only

29 Representative in Congress

30  (1) AB \_\_\_\_\_

31  (2) CD \_\_\_\_\_

32  (3) EF \_\_\_\_\_

33  (4) GH \_\_\_\_\_

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

- 36 (1) Federal and state offices:
  - 37 (A) President of the United States.
  - 38 (B) United States Senator.
  - 39 (C) Governor.
  - 40 (D) United States Representative.
- 41 (2) Legislative offices:
  - 42 (A) State senator.

C  
o  
p  
y



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

C  
o  
p  
y



1 offices described in subsection (b):  
 2 (1) Precinct committeeman.  
 3 (2) State convention delegate.  
 4 (d) The following offices and public questions shall be placed on the  
 5 primary election ballot in the following order after the offices described  
 6 in subsection (c):  
 7 ~~(1) School board offices to be elected at the primary election;~~  
 8 ~~(2) Other (1) Local offices to be elected at the primary election.~~  
 9 ~~(3) (2) Local public questions.~~  
 10 (e) The offices and public questions described in subsection (d)  
 11 shall be placed:  
 12 (1) in a separate column on the ballot if voting is by paper ballot;  
 13 (2) after the offices described in subsection (c) in the form  
 14 specified in IC 3-11-13-11 if voting is by ballot card; or  
 15 (3) either:  
 16 (A) on a separate screen for each office or public question; or  
 17 (B) after the offices described in subsection (c) in the form  
 18 specified in IC 3-11-14-3.5;  
 19 if voting is by an electronic voting system.  
 20 (f) A public question shall be placed on the primary election ballot  
 21 in the following form:  
 22 (The explanatory text for the public question,  
 23 if required by law.)  
 24 "Shall (insert public question)?"  
 25  YES  
 26  NO  
 27 SECTION 15. IC 3-10-1-19.2 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19.2. (a) Whenever  
 29 candidates are to be nominated for an office that includes more than  
 30 one (1) district, the districts shall be placed on the ballot in alphabetical  
 31 or numerical order, according to the designation given to the district.  
 32 (b) Whenever candidates are to be nominated for an office that  
 33 includes both an at-large member and a member representing a district,  
 34 the candidates seeking nomination as an at-large member shall be  
 35 placed on the ballot before candidates seeking nomination to represent  
 36 a district.  
 37 (c) ~~This subsection applies to a school board office or political~~  
 38 ~~office to be elected at the primary election ballot.~~ Candidates for a  
 39 ~~school board office~~ or a political party office shall be placed on the  
 40 ballot in accordance with the rules applicable to candidates for  
 41 nomination to an office under subsections (a) and (b).  
 42 SECTION 16. IC 3-10-1-32 IS AMENDED TO READ AS

COPY



1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 32. Primary election  
2 returns must contain the whole number of votes cast for **each of the**  
3 **following:**

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

8 SECTION 17. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,  
9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2011]: Sec. 12. The following offices shall be placed on the  
11 general election ballot in the following order:

- 12 (1) Federal and state offices:
  - 13 (A) President and Vice President of the United States.
  - 14 (B) United States Senator.
  - 15 (C) Governor and lieutenant governor.
  - 16 (D) Secretary of state.
  - 17 (E) Auditor of state.
  - 18 (F) Treasurer of state.
  - 19 (G) Attorney general.
  - 20 (H) Superintendent of public instruction.
  - 21 (I) United States Representative.
- 22 (2) Legislative offices:
  - 23 (A) State senator.
  - 24 (B) State representative.
- 25 (3) Circuit offices and county judicial offices:
  - 26 (A) Judge of the circuit court, and unless otherwise specified  
27 under IC 33, with each division separate if there is more than  
28 one (1) judge of the circuit court.
  - 29 (B) Judge of the superior court, and unless otherwise specified  
30 under IC 33, with each division separate if there is more than  
31 one (1) judge of the superior court.
  - 32 (C) Judge of the probate court.
  - 33 (D) Judge of the county court, with each division separate, as  
34 required by IC 33-30-3-3.
  - 35 (E) Prosecuting attorney.
  - 36 (F) Clerk of the circuit court.
- 37 (4) County offices:
  - 38 (A) County auditor.
  - 39 (B) County recorder.
  - 40 (C) County treasurer.
  - 41 (D) County sheriff.
  - 42 (E) County coroner.

C  
o  
p  
y



- 1 (F) County surveyor.
- 2 (G) County assessor.
- 3 (H) County commissioner.
- 4 (I) County council member.
- 5 (5) Township offices:
- 6 (A) Township assessor (only in a township referred to in
- 7 IC 36-6-5-1(d)).
- 8 (B) Township trustee.
- 9 (C) Township board member.
- 10 (D) Judge of the small claims court.
- 11 (E) Constable of the small claims court.
- 12 (6) City offices:
- 13 (A) Mayor.
- 14 (B) Clerk or clerk-treasurer.
- 15 (C) Judge of the city court.
- 16 (D) City-county council member or common council member.
- 17 (7) Town offices:
- 18 (A) Clerk-treasurer.
- 19 (B) Judge of the town court.
- 20 (C) Town council member.

**(8) School board offices.**

SECTION 18. IC 3-11-2-13, AS AMENDED BY P.L.58-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) The following offices and public questions shall be placed on the general election ballot in the following order after the offices described in section ~~12.9~~ 12 of this chapter:

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

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

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

(d) These offices and public questions shall be placed in a separate column on the ballot.

SECTION 19. IC 3-11-13-11, AS AMENDED BY P.L.164-2006, SECTION 114, IS AMENDED TO READ AS FOLLOWS

C  
o  
p  
y



1 [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) The ballot information,  
 2 whether placed on the ballot card or on the marking device, must be in  
 3 the order of arrangement provided for ballots under this section.  
 4 (b) Each county election board shall have the names of all  
 5 candidates for all elected offices, political party offices, and public  
 6 questions printed on a ballot card as provided in this chapter. The  
 7 county may:  
 8 (1) print all offices and questions on a single ballot card; and  
 9 (2) include a ballot variation code to ensure that the proper  
 10 version of a ballot is used within a precinct.  
 11 (c) Each type of ballot card must be of uniform size and of the same  
 12 quality and color of paper (except as permitted under IC 3-10-1-17).  
 13 (d) The nominees of a political party or an independent candidate  
 14 or independent ticket (described in IC 3-11-2-6) nominated by  
 15 petitioners shall be listed on the ballot with the name and device set  
 16 forth on the certification or petition. The circle containing the device  
 17 may be of any size that permits a voter to readily identify the device.  
 18 IC 3-11-2-5 applies if the certification or petition does not include a  
 19 name or device, or if the same device is selected by two (2) or more  
 20 parties or petitioners.  
 21 (e) The offices on the general election ballot must be placed on the  
 22 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,  
 23 IC 3-11-2-12.5, IC 3-11-2-12.7(b), ~~IC 3-11-2-12.9(a)~~, IC 3-11-2-13(a)  
 24 through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The  
 25 offices and public questions may be listed in a continuous column  
 26 either vertically or horizontally and on a number of separate pages.  
 27 However, ~~school board offices~~, public questions concerning the  
 28 retention of a justice or judge, local nonpartisan judicial offices, and  
 29 local public questions must be placed at the beginning of separate  
 30 columns.  
 31 (f) The name of each office must be printed in a uniform size in bold  
 32 type. A statement reading substantially as follows must be placed  
 33 immediately below the name of the office and above the name of the  
 34 first candidate: "Vote for not more than (insert the number of  
 35 candidates to be elected) candidate(s) for this office."  
 36 (g) Below the name of the office and the statement required by  
 37 subsection (f), the names of the candidates for each office must be  
 38 grouped together in the following order:  
 39 (1) The major political party whose candidate received the highest  
 40 number of votes in the county for secretary of state at the last  
 41 election is listed first.  
 42 (2) The major political party whose candidate received the second

C  
o  
p  
y



1 highest number of votes in the county for secretary of state is  
 2 listed second.

3 (3) All other political parties listed in the order that the parties'  
 4 candidates for secretary of state finished in the last election are  
 5 listed after the party listed in subdivision (2).

6 (4) If a political party did not have a candidate for secretary of  
 7 state in the last election or a nominee is an independent candidate  
 8 or independent ticket (described in IC 3-11-2-6), the party or  
 9 candidate is listed after the parties described in subdivisions (1),  
 10 (2), and (3).

11 (5) If more than one (1) political party or independent candidate  
 12 or ticket described in subdivision (4) qualifies to be on the ballot,  
 13 the parties, candidates, or tickets are listed in the order in which  
 14 the party filed its petition of nomination under IC 3-8-6-12.

15 (6) A space for write-in voting is placed after the candidates listed  
 16 in subdivisions (1) through (5), if required by law.

17 (7) The name of a write-in candidate may not be listed on the  
 18 ballot.

19 (h) The names of the candidates grouped in the order established by  
 20 subsection (g) must be printed in type with uniform capital letters and  
 21 have a uniform space between each name. The name of the candidate's  
 22 political party, or the word "Independent" if the:  
 23 (1) candidate; or  
 24 (2) ticket of candidates for:  
 25 (A) President and Vice President of the United States; or  
 26 (B) governor and lieutenant governor;  
 27 is independent, must be placed immediately below or beside the name  
 28 of the candidate and must be printed in a uniform size and type.

29 (i) All the candidates of the same political party for election to  
 30 at-large seats on the fiscal or legislative body of a political subdivision  
 31 must be grouped together:  
 32 (1) under the name of the office that the candidates are seeking;  
 33 (2) in the order established by subsection (g); and  
 34 (3) within the political party, in alphabetical order according to  
 35 surname.

36 A statement reading substantially as follows must be placed  
 37 immediately below the name of the office and above the name of the  
 38 first candidate: "Vote for not more than (insert the number of  
 39 candidates to be elected) candidate(s) of ANY party for this office."  
 40 (j) Candidates for election to at-large seats on the governing body  
 41 of a school corporation must be grouped:  
 42 (1) under the name of the office that the candidates are seeking;

C  
O  
P  
Y



1           and  
 2           (2) in alphabetical order according to surname.  
 3       A statement reading substantially as follows must be placed  
 4       immediately below the name of the office and above the name of the  
 5       first candidate: "Vote for not more than (insert the number of  
 6       candidates to be elected) candidate(s) for this office."

7       ~~(k)~~ (j) The following information must be placed at the top of the  
 8       ballot before the first office is listed:

- 9           (1) The cautionary statement described in IC 3-11-2-7.
- 10          (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c),  
 11          and IC 3-11-2-10(d).

12       ~~(h)~~ (k) The ballot must include a single connectable arrow, circle,  
 13       oval, or square, or a voting position for voting a straight party or an  
 14       independent ticket (described in IC 3-11-2-6) by one (1) mark as  
 15       required by section 14 of this chapter, and the single connectable  
 16       arrow, circle, oval, or square, or the voting position for casting a  
 17       straight party or an independent ticket ballot must be identified by:

- 18           (1) the name of the political party or independent ticket  
 19           (described in IC 3-11-2-6); and
- 20           (2) immediately below or beside the political party's or  
 21           independent ticket's name, the device of that party or ticket  
 22           (described in IC 3-11-2-5).

23       The name and device of each political party or independent ticket must  
 24       be of uniform size and type and arranged in the order established by  
 25       subsection (g) for listing candidates under each office. The instructions  
 26       described in IC 3-11-2-10(b) for voting a straight party ticket and the  
 27       statement concerning presidential electors required under IC 3-10-4-3  
 28       may be placed on the ballot beside or above the names and devices  
 29       within the voting booth in a location that permits the voter to easily  
 30       read the instructions.

31       ~~(m)~~ (l) A public question must be in the form described in  
 32       IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable  
 33       arrow, a circle, or an oval may be used instead of a square. Except as  
 34       expressly authorized or required by statute, a county election board  
 35       may not print a ballot card that contains language concerning the public  
 36       question other than the language authorized by a statute.

37       ~~(n)~~ (m) The requirements in this section:  
 38           (1) do not replace; and  
 39           (2) are in addition to;  
 40       any other requirements in this title that apply to optical scan ballots.

41       ~~(o)~~ (n) The procedure described in IC 3-11-2-16 must be used when  
 42       a ballot does not comply with the requirements imposed by this title or

C  
 O  
 P  
 Y



1 contains another error or omission that might result in confusion or  
 2 mistakes by voters.

3 ~~(p)~~ **(o)** This subsection applies to an optical scan ballot that does not  
 4 list:

5 (1) the names of political parties or candidates; or  
 6 (2) the text of public questions;  
 7 on the face of the ballot. The ballot must be prepared in accordance  
 8 with this section, except that the ballot must include a numbered circle  
 9 or oval to refer to each political party, candidate, or public question.

10 SECTION 20. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005,  
 11 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2011]: Sec. 3.5. (a) Each county election board shall have the  
 13 names of all candidates for all elected offices, political party offices,  
 14 and public questions printed on ballot labels for use in an electronic  
 15 voting system as provided in this chapter.

16 (b) The county may:

17 (1) print all offices and public questions on a single ballot label;  
 18 and  
 19 (2) include a ballot variation code to ensure that the proper  
 20 version of a ballot label is used within a precinct.

21 (c) Each type of ballot label or paster must be of uniform size and  
 22 of the same quality and color of paper (except as permitted under  
 23 IC 3-10-1-17).

24 (d) The nominees of a political party or an independent candidate  
 25 or independent ticket (described in IC 3-11-2-6) nominated by  
 26 petitioners must be listed on the ballot label with the name and device  
 27 set forth on the certification or petition. The circle containing the  
 28 device may be of any size that permits a voter to readily identify the  
 29 device. IC 3-11-2-5 applies if the certification or petition does not  
 30 include a name or device, or if the same device is selected by two (2)  
 31 or more parties or petitioners.

32 (e) The ballot labels must list the offices on the general election  
 33 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,  
 34 IC 3-11-2-12.5, IC 3-11-2-12.7(b), ~~IC 3-11-2-12.9(a)~~; IC 3-11-2-13(a)  
 35 through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each  
 36 office and public question may have a separate screen, or the offices  
 37 and public questions may be listed in a continuous column either  
 38 vertically or horizontally. However, ~~school board offices~~; public  
 39 questions concerning the retention of a justice or judge, local  
 40 nonpartisan judicial offices, and local public questions shall be placed  
 41 at the beginning of separate columns or pages.

42 (f) The name of each office must be printed in a uniform size in bold

C  
o  
p  
y



1 type. A statement reading substantially as follows must be placed  
 2 immediately below the name of the office and above the name of the  
 3 first candidate: "Vote for not more than (insert the number of  
 4 candidates to be elected) candidate(s) for this office."

5 (g) Below the name of the office and the statement required by  
 6 subsection (f), the names of the candidates for each office must be  
 7 grouped together in the following order:

8 (1) The major political party whose candidate received the highest  
 9 number of votes in the county for secretary of state at the last  
 10 election is listed first.

11 (2) The major political party whose candidate received the second  
 12 highest number of votes in the county for secretary of state is  
 13 listed second.

14 (3) All other political parties listed in the order that the parties'  
 15 candidates for secretary of state finished in the last election are  
 16 listed after the party listed in subdivision (2).

17 (4) If a political party did not have a candidate for secretary of  
 18 state in the last election or a nominee is an independent candidate  
 19 or independent ticket (described in IC 3-11-2-6), the party or  
 20 candidate is listed after the parties described in subdivisions (1),  
 21 (2), and (3).

22 (5) If more than one (1) political party or independent candidate  
 23 or ticket described in subdivision (4) qualifies to be on the ballot,  
 24 the parties, candidates, or tickets are listed in the order in which  
 25 the party filed its petition of nomination under IC 3-8-6-12.

26 (6) A space for write-in voting is placed after the candidates listed  
 27 in subdivisions (1) through (5), if required by law.

28 (7) The name of a write-in candidate may not be listed on the  
 29 ballot.

30 (h) The names of the candidates grouped in the order established by  
 31 subsection (g) must be printed in type with uniform capital letters and  
 32 have a uniform space between each name. The name of the candidate's  
 33 political party, or the word "Independent", if the:

34 (1) candidate; or

35 (2) ticket of candidates for:

36 (A) President and Vice President of the United States; or

37 (B) governor and lieutenant governor;

38 is independent, must be placed immediately below or beside the name  
 39 of the candidate and must be printed in uniform size and type.

40 (i) All the candidates of the same political party for election to  
 41 at-large seats on the fiscal or legislative body of a political subdivision  
 42 must be grouped together:

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



- 1 (1) under the name of the office that the candidates are seeking;  
 2 (2) in the party order established by subsection (g); and  
 3 (3) within the political party, in alphabetical order according to  
 4 surname.

5 A statement reading substantially as follows must be placed  
 6 immediately below the name of the office and above the name of the  
 7 first candidate: "Vote for not more than (insert the number of  
 8 candidates to be elected) candidate(s) of ANY party for this office."

9 ~~(j)~~ Candidates for election to at-large seats on the governing body  
 10 of a school corporation must be grouped:

11 ~~(1)~~ under the name of the office that the candidates are seeking;  
 12 and

13 ~~(2)~~ in alphabetical order according to surname.

14 A statement reading substantially as follows must be placed  
 15 immediately below the name of the office and above the name of the  
 16 first candidate: "Vote for not more than (insert the number of  
 17 candidates to be elected) candidate(s) for this office."

18 ~~(k)~~ (j) The cautionary statement described in IC 3-11-2-7 must be  
 19 placed at the top or beginning of the ballot label before the first office  
 20 is listed.

21 ~~(l)~~ (k) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c),  
 22 and IC 3-11-2-10(d) may be:

- 23 (1) placed on the ballot label; or  
 24 (2) posted in a location within the voting booth that permits the  
 25 voter to easily read the instructions.

26 ~~(m)~~ (l) The ballot label must include a touch sensitive point or  
 27 button for voting a straight political party or independent ticket  
 28 (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive  
 29 point or button must be identified by:

- 30 (1) the name of the political party or independent ticket; and  
 31 (2) immediately below or beside the political party's or  
 32 independent ticket's name, the device of that party or ticket  
 33 (described in IC 3-11-2-5).

34 The name and device of each party or ticket must be of uniform size  
 35 and type, and arranged in the order established by subsection (g) for  
 36 listing candidates under each office. The instructions described in  
 37 IC 3-11-2-10(b) for voting a straight party ticket and the statement  
 38 concerning presidential electors required under IC 3-10-4-3 may be  
 39 placed on the ballot label or in a location within the voting booth that  
 40 permits the voter to easily read the instructions.

41 ~~(n)~~ (m) A public question must be in the form described in  
 42 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive

C  
o  
p  
y



1 point or button must be used instead of a square. Except as expressly  
 2 authorized or required by statute, a county election board may not print  
 3 a ballot label that contains language concerning the public question  
 4 other than the language authorized by a statute.

5 ~~(o)~~ (n) The requirements in this section:

6 (1) do not replace; and

7 (2) are in addition to;

8 any other requirements in this title that apply to ballots for electronic  
 9 voting systems.

10 ~~(p)~~ (o) The procedure described in IC 3-11-2-16 must be used when  
 11 a ballot label does not comply with the requirements imposed by this  
 12 title or contains another error or omission that might result in confusion  
 13 or mistakes by voters.

14 SECTION 21. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,  
 15 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) This subsection applies  
 17 whenever a voter:

18 (1) votes a straight party ticket; and

19 (2) votes only for one (1) or more individual candidates who are  
 20 all of the same political party as the straight ticket vote.

21 The straight ticket vote shall be counted and the individual candidate  
 22 votes may not be counted.

23 (b) This subsection applies whenever:

24 (1) a voter has voted a straight party ticket for the candidates of  
 25 one (1) political party;

26 (2) only one (1) person may be elected to an office; and

27 (3) the voter has voted for one (1) individual candidate for the  
 28 office described in subdivision (2) who is:

29 (A) a candidate of a political party other than the party for  
 30 which the voter voted a straight ticket; or

31 (B) an independent candidate for the office.

32 If the voter has voted for one (1) individual candidate for the office  
 33 described in subdivision (2), the individual candidate vote for that  
 34 office shall be counted, the straight party ticket vote for that office may  
 35 not be counted, and the straight party ticket votes for other offices on  
 36 the ballot shall be counted.

37 (c) This subsection applies whenever:

38 (1) a voter has voted a straight party ticket for the candidates of  
 39 one (1) political party; and

40 (2) the voter has voted for more individual candidates for the  
 41 office than the number of persons to be elected to that office.

42 The individual candidate votes for that office may not be counted, the

C  
O  
P  
Y



1 straight party ticket vote for that office may not be counted, and the  
 2 straight party ticket votes for other offices on the ballot shall be  
 3 counted.

4 (d) This subsection applies whenever:

5 (1) a voter has voted a straight party ticket for the candidates of  
 6 one (1) political party;

7 (2) more than one (1) person may be elected to an office; and

8 (3) the voter has voted for individual candidates for the office  
 9 described in subdivision (2) who are:

10 (A) independent candidates;

11 (B) candidates of a political party other than the political party  
 12 for which the voter cast a straight party ticket under  
 13 subdivision (1); or

14 (C) a combination of candidates described in clauses (A) and  
 15 (B).

16 The individual votes cast by the voter for the office for the independent  
 17 candidates and the candidates of a political party other than the  
 18 political party for which the voter cast a straight party ticket shall be  
 19 counted. The straight party ticket vote cast by that voter for that office  
 20 shall be counted unless the total number of votes cast for the office by  
 21 the voter, when adding the voter's votes for the individual candidates  
 22 for the office and the voter's straight party ticket votes for the office, is  
 23 greater than the number of persons to be elected to the office. If the  
 24 total number of votes cast for the office is greater than the number of  
 25 persons to be elected to the office, the straight party ticket votes for the  
 26 office may not be counted. The straight party ticket votes for other  
 27 offices on the voter's ballot shall be counted.

28 (e) This subsection applies whenever:

29 (1) a voter has voted a straight party ticket for the candidates of  
 30 one (1) political party;

31 (2) more than one (1) person may be elected to an office; and

32 (3) the voter has voted for individual candidates for the office  
 33 described in subdivision (2) who are:

34 (A) independent candidates or candidates of a political party  
 35 other than the political party for which the voter cast a straight  
 36 party ticket under subdivision (1); and

37 (B) candidates of the same political party for which the voter  
 38 cast a straight party ticket under subdivision (1).

39 The individual votes cast by the voter for the office for the independent  
 40 candidates and the candidates of a political party other than the  
 41 political party for which the voter cast a straight party ticket shall be  
 42 counted. The individual votes cast by the voter for the office for the

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



1 candidates of the same political party for which the voter cast a straight  
 2 party ticket may not be counted. The straight party ticket vote cast by  
 3 that voter for that office shall be counted unless the total number of  
 4 votes cast for the office by the voter, when adding the voter's votes for  
 5 the individual candidates for the office and the voter's straight party  
 6 ticket vote for the office is greater than the number of persons to be  
 7 elected to the office. If the total number of votes cast for the office is  
 8 greater than the number of persons to be elected to the office, the  
 9 straight party ticket votes for that office may not be counted. The  
 10 straight party ticket votes for other offices on the voter's ballot shall be  
 11 counted.

12 (f) If a voter votes a straight party ticket for more than one (1)  
 13 political party, the whole ballot is void with regard to all candidates  
 14 nominated by a political party or designated as independent candidates  
 15 on the ballot. However, the voter's vote for a school board candidate or  
 16 on a public question shall be counted if otherwise valid under this  
 17 chapter.

18 (g) If a voter does not vote a straight party ticket and the number of  
 19 votes cast by that voter for the candidates for an office are less than or  
 20 equal to the number of openings for that office, the individual  
 21 candidates votes shall be counted.

22 (h) If a voter does not vote a straight party ticket and the number of  
 23 votes cast by that voter for an office exceeds the number of openings  
 24 for that office, none of the votes concerning that office may be counted.

25 SECTION 22. IC 3-13-7-1 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. A vacancy in a  
 27 county office **or a school board office** that was last held by a person  
 28 elected or selected as a candidate of a major political party of the state  
 29 shall be filled by a caucus under IC 3-13-11.

30 SECTION 23. IC 3-13-7-7 IS ADDED TO THE INDIANA CODE  
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 32 1, 2011]: **Sec. 7. (a) This section applies to a vacancy in a school  
 33 board office not covered by section 1 of this chapter.**

34 **(b) The vacancy shall be filled as follows:**

35 **(1) The remaining members of the school board shall select an  
 36 individual to fill the vacancy by a majority of the votes of the  
 37 remaining school board members.**

38 **(2) If there are no remaining members of the school board,  
 39 the judge of the circuit court in the county where the majority  
 40 of the registered voters of the school corporation reside shall  
 41 select an individual to fill the vacancy.**

42 SECTION 24. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,

C  
o  
p  
y



1 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2011]: Sec. 12. (a) In formulating a preliminary reorganization  
3 plan and with respect to each of the community school corporations  
4 that are a part of the reorganization plan, the county committee shall  
5 determine the following:

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

C  
O  
P  
Y



1 by the new community school corporation of which they are a part,  
2 regardless of whether the plan provides for transfer and assumption.

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

5 (1) The educational improvements the plan's adoption will make  
6 possible.

7 (2) Data showing the:

8 (A) assessed valuation;

9 (B) number of resident students in ADA in grades 1 through  
10 12;

11 (C) assessed valuation per student referred to in clause (B);  
12 and

13 (D) property tax levies;

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

15 (3) The:

16 (A) assessed valuation;

17 (B) resident ADA; and

18 (C) assessed valuation per student;

19 data referred to in subdivision 2(A) through 2(C) that would have  
20 applied for each proposed community school corporation if the  
21 corporation existed in the year the preliminary plan is prepared or  
22 notice of a hearing or hearings on the preliminary plan is given by  
23 the county committee. ~~and~~

24 (4) Any other data or information the county committee considers  
25 appropriate or that may be required by the state board in its rules.

26 (d) The county committee:

27 (1) shall base the assessed valuations and tax levies referred to in  
28 subsection (c)(2) through (c)(3) on the valuations applying to  
29 taxes collected in:

30 (A) the year the preliminary plan is prepared; or

31 (B) the year notice of a hearing or hearings on the preliminary  
32 plan is given by the county committee;

33 (2) may base the resident ADA figures on the calculation of the  
34 figures under the rules under which they are submitted to the state  
35 superintendent by existing school corporations; and

36 (3) shall set out the resident ADA figures for:

37 (A) the school year in progress if the figures are available for  
38 that year; or

39 (B) the immediately preceding school year if the figures are  
40 not available for the school year in progress.

41 The county committee may obtain the data and information referred to  
42 in this subsection from any source the committee considers reliable. If

C  
O  
P  
Y



1 the county committee attempts in good faith to comply with this  
 2 subsection, the summary statement referred to in subsection (c) is  
 3 sufficient regardless of whether the statement is exactly accurate.

4 (e) The general description referred to in subsection (a)(2) may  
 5 consist of an identification of an existing school corporation that is to  
 6 be included in its entirety in the community school corporation. If a  
 7 boundary does not follow the boundary of an existing civil unit of  
 8 government or school corporation, the description must set out the  
 9 boundary:

10 (1) as near as reasonably possible by:

11 (A) streets;

12 (B) rivers; and

13 (C) other similar boundaries;

14 that are known by common names; or

15 (2) if descriptions as described in subdivision (1) are not possible,  
 16 by section lines or other legal description.

17 The description is not defective if there is a good faith effort by the  
 18 county committee to comply with this subsection or if the boundary  
 19 may be ascertained with reasonable certainty by a person skilled in the  
 20 area of real estate description. The county committee may require the  
 21 services of the county surveyor in preparing a description of a boundary  
 22 line.

23 (f) A member of the board of school trustees:

24 (1) may not serve an appointive or elective term of more than four  
 25 (4) years; and

26 (2) may serve more than one (1) consecutive appointive or  
 27 elective term.

28 SECTION 25. IC 20-23-4-16, AS ADDED BY P.L.1-2005,  
 29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2011]: Sec. 16. The form of a preliminary or final  
 31 comprehensive plan of reorganization is sufficient if the plan contains  
 32 in its own terms or by reference the following for each proposed  
 33 community school corporation:

34 (1) The name of the proposed community school corporation.

35 (2) A general description of the boundaries of the community  
 36 school corporation as provided in section 12 of this chapter.

37 (3) The number of members of the board of school trustees and  
 38 whether the members are elected or appointed.

39 (4) **Subject to IC 3**, the manner in which the board of school  
 40 trustees, other than the interim board, is elected or appointed.

41 (5) If a school corporation is divided as part of the reorganization,  
 42 the disposition of assets and liabilities of the school corporation.

C  
o  
p  
y



1 (6) The statement required by section 12 of this chapter if that  
2 statement is submitted or adopted with the plan.

3 SECTION 26. IC 20-23-4-20, AS ADDED BY P.L.1-2005,  
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2011]: Sec. 20. (a) After the state board approves a  
6 comprehensive plan or partial plan for reorganization of school  
7 corporations as submitted to the state board by a county committee, the  
8 state board shall promptly, by certified mail with return receipt  
9 requested, give written notice of the approval to:

10 (1) the chairperson of the county committee submitting the plan;  
11 and

12 (2) the judge of the circuit court of the county from which the  
13 county committee was appointed.

14 (b) After notice is given under subsection (a), a community school  
15 corporation proposed by a plan referred to in subsection (a) may be  
16 created:

17 (1) by petition as provided in this section;

18 (2) by election as provided in section 21 of this chapter; or

19 (3) under section 22 of this chapter.

20 (c) After receipt of the plan referred to in subsection (a) by the  
21 county committee and before or after the election described in section  
22 21 of this chapter, a community school corporation proposed by a plan  
23 referred to in subsection (a) may be created by a petition. The petition  
24 must be signed by at least fifty-five percent (55%) of the registered  
25 voters residing in the community school corporation, determined in the  
26 manner set out in this section, and filed by any signer or by the county  
27 committee with the clerk or clerks of the circuit court or courts of the  
28 county or counties where the voters reside. The petition must state that  
29 the signers request the establishment of a community school  
30 corporation and must contain the following information:

31 (1) The name of the proposed community school corporation.

32 (2) A general description of the boundaries as set out in the plan.

33 (3) The number of members of the board of school trustees.

34 (4) **Subject to IC 3**, the manner in which:

35 (A) the permanent board of school trustees; and

36 (B) if covered in the plan, the interim board of school trustees;  
37 will be elected or appointed.

38 (5) The compensation, if any, of the members of:

39 (A) the permanent board of school trustees; and

40 (B) if covered in the plan, the interim board of school trustees.

41 (6) The disposition, if any, of assets and liabilities of each existing  
42 school corporation that:

C  
O  
P  
Y



1 (A) is included in the proposed community school corporation;  
 2 and  
 3 (B) has been divided.

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

5 (d) The petition referred to in subsection (c) must show:

- 6 (1) the date on which each person signed the petition; and  
 7 (2) the person's residence address on that date.

8 The petition may be executed in several counterparts, the total of which  
 9 constitutes the petition described in this section. An affidavit of the  
 10 person circulating a counterpart must be attached to the counterpart.  
 11 The affidavit must state that each signature appearing on the  
 12 counterpart was affixed in the person's presence and is the true and  
 13 lawful signature of the signer. Each signer on the petition may  
 14 withdraw the signer's signature from the petition before the petition is  
 15 filed with the clerk of the circuit court. Names may not be added to the  
 16 petition after the petition is filed with the clerk of the circuit court.

17 (e) After receipt of the petition referred to in subsection (c), the  
 18 clerk of the circuit court shall make a certification under the clerk's  
 19 hand and seal of the clerk's office as to:

- 20 (1) the number of signers of the petition;  
 21 (2) the number of signers of the petition who are registered voters  
 22 residing in:

- 23 (A) the proposed community school corporation; or  
 24 (B) the part of the school corporation located in the clerk's  
 25 county;

26 as disclosed by the voter registration records of the county;

- 27 (3) the number of registered voters residing in:

- 28 (A) the proposed community school corporation; or  
 29 (B) the part of the school corporation located in the clerk's  
 30 county;

31 as disclosed by the voter registration records of the county; and

- 32 (4) the date of the filing of the petition with the clerk.

33 If a proposed community school corporation includes only part of a  
 34 voting precinct, the clerk of the circuit court shall ascertain from any  
 35 means, including assistance from the county committee, the number of  
 36 registered voters residing in the part of the voting precinct.

37 (f) The clerk of the circuit court shall make the certification referred  
 38 to in subsection (e):

- 39 (1) not later than thirty (30) days after the filing of the petition  
 40 under subsection (c), excluding from the calculation of that period  
 41 the time during which the registration records are unavailable to  
 42 the clerk; or

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



1 (2) within any additional time as is reasonably necessary to permit  
 2 the clerk to make the certification.  
 3 In certifying the number of registered voters, the clerk shall disregard  
 4 any signature on the petition not made in the ninety (90) days that  
 5 immediately precede the filing of the petition with the clerk as shown  
 6 by the dates set out in the petition. The clerk shall establish a record of  
 7 the certification in the clerk's office and shall return the certification to  
 8 the county committee.  
 9 (g) If the certification or combined certifications received from the  
 10 clerk or clerks disclose that the petition was signed by at least fifty-five  
 11 percent (55%) of the registered voters residing in the community  
 12 school corporation, the county committee shall publish a notice in two  
 13 (2) newspapers of general circulation in the community school  
 14 corporation. The notice must:  
 15 (1) state that the steps necessary for the creation and  
 16 establishment of the community school corporation have been  
 17 completed; and  
 18 (2) set forth:  
 19 (A) the number of registered voters residing in the community  
 20 school corporation who signed the petition; and  
 21 (B) the number of registered voters residing in the community  
 22 school corporation.  
 23 (h) A community school corporation created by a petition under this  
 24 section takes effect on the earlier of:  
 25 (1) July 1; or  
 26 (2) January 1;  
 27 that next follows the date of publication of the notice referred to in  
 28 subsection (g).  
 29 (i) If a public official fails to perform a duty required of the official  
 30 under this chapter within the time prescribed in this section and  
 31 sections 21 through 24 of this chapter, the omission does not invalidate  
 32 the proceedings taken under this chapter.  
 33 (j) An action:  
 34 (1) to contest the validity of the formation or creation of a  
 35 community school corporation under this section;  
 36 (2) to declare that a community school corporation:  
 37 (A) has not been validly formed or created; or  
 38 (B) is not validly existing; or  
 39 (3) to enjoin the operation of a community school corporation;  
 40 may not be instituted later than thirty (30) days after the date of  
 41 publication of the notice referred to in subsection (g).  
 42 SECTION 27. IC 20-23-4-29.1 IS ADDED TO THE INDIANA

COPY



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

CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2011]: **Sec. 29.1. (a) This section applies to each school corporation.**

**(b) If a plan provides for election of members of the governing body, the members of the governing body shall be nominated at a primary election and elected at a general election. Each candidate must, in accordance with IC 3-8-2, file a declaration of candidacy that is signed by the candidate. The filing must be made within the time specified by IC 3-8-2-4.**

**(c) All candidates for nomination shall be listed on the primary election ballot by political party in the form prescribed by IC 3-10-1. Voting and tabulation of votes for nomination for a school board office shall be conducted in the same manner as voting and tabulation is conducted for county offices on the same primary election ballot. The precinct election boards serving in each county shall conduct the primary election for the nomination of candidates for members of the governing body. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for the nomination of candidates for members of the governing body. Only the voters of a political party may vote for the candidates of that political party. The candidates of a political party who receive the greatest number of votes are the nominees of that political party.**

**(d) All nominees shall be listed for each office on the general election ballot in the form prescribed by IC 3-11-3. Voting and tabulation of votes for election for a school board office shall be conducted in the same manner as voting and tabulation is conducted for county offices on the same general election ballot. The precinct election boards serving in each county shall conduct the election for members of the governing body. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for members of the governing body.**

**(e) If the plan provides that the members of the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot by political party in the form prescribed by IC 3-10-1 for primary elections. Nominees shall be placed on the ballot by political party in the form prescribed by IC 3-11-2 for general elections. Only voters of a political party may vote for candidates of that political party in primary elections. The candidates of each political party who**

**C  
o  
p  
y**



1 receive the most votes in primary elections are the nominees of that  
 2 political party. Nominees who receive the most votes in general  
 3 elections are elected.

4 (f) If the plan provides that members of the governing body are  
 5 to be elected from residence districts by all voters in the  
 6 community school corporation, candidates for the governing body  
 7 shall be placed on the ballot by residence districts and by political  
 8 party in the form prescribed by IC 3-10-1 for primary elections.  
 9 Nominees shall be placed on the ballot by residence districts and by  
 10 political party in the form prescribed by IC 3-11-2 for general  
 11 elections. The ballot must state the number of members to be voted  
 12 on and the maximum number of members that may be nominated  
 13 and elected from each residence district as provided in the plan.  
 14 Only voters of a political party may vote for candidates of that  
 15 political party in primary elections. The candidates of a political  
 16 party who receive the most votes in primary elections are the  
 17 nominees of that political party. Nominees who receive the most  
 18 votes in general elections are elected.

19 (g) If the plan provides that members of the governing body are  
 20 to be elected from electoral districts solely by the voters of each  
 21 district, candidates residing in each electoral district shall be  
 22 placed on the primary election ballot by political party in the form  
 23 prescribed by IC 3-10-1. Only voters of a political party in an  
 24 electoral district may vote for candidates of that political party in  
 25 primary elections. The candidates of a political party residing in  
 26 the electoral district who receive the most votes in the primary  
 27 election are the nominees of that political party. Nominees residing  
 28 in each electoral district shall be placed on the general election  
 29 ballot in the form prescribed by IC 3-11-2. The ballot must state  
 30 the number of members to be voted on from the electoral district.  
 31 Nominees residing in the electoral district who receive the most  
 32 votes in the general election are elected.

33 SECTION 28. IC 20-23-4-30, AS ADDED BY P.L.230-2005,  
 34 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2011]: Sec. 30. (a) This section applies to each school  
 36 corporation.

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

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

42 (d) (c) If after the first governing body takes office, there is a

C  
O  
P  
Y



1 vacancy on the governing body for any reason, including the failure of  
2 the sufficient number of petitions for candidates being filed, ~~whether~~  
3 ~~if~~ the vacating member was ~~elected or~~ appointed, the remaining  
4 members of the governing body, whether or not a majority of the  
5 governing body, shall by a majority vote fill the vacancy by appointing  
6 a person from within the boundaries of the community school  
7 corporation to serve for the term or balance of the term. An individual  
8 appointed under this subsection must possess the qualifications  
9 provided for a regularly elected or appointed governing body member  
10 filling the office. If:

11 (1) a tie vote occurs among the members of the governing body  
12 under this subsection or IC 3-12-9-4; or

13 (2) the governing body fails to act within thirty (30) days after any  
14 vacancy occurs;

15 the judge of the circuit court in the county where the majority of  
16 registered voters of the school corporation reside shall make the  
17 appointment. **If the vacating member was elected, the vacancy shall**  
18 **be filled as provided in IC 3-13-7.**

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

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

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

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

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

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

35 ~~(1) in November~~ take office and assume their duties on January  
36 1 or July 1 after their election, as determined by the board of  
37 school trustees before the election. ~~and~~

38 ~~(2) in May~~ take office and assume their duties on July ~~1~~ after their  
39 election.

40 SECTION 29. IC 20-23-4-35, AS ADDED BY P.L.1-2005,  
41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2011]: Sec. 35. (a) The governing body of a school

C  
o  
p  
y



- 1 corporation may be organized under this section.
- 2 (b) The governing body consists of seven (7) members, elected as  
3 follows:
- 4 (1) Four (4) members elected from districts, with one (1) member  
5 serving from each electoral district. A member elected under this  
6 subdivision must be:
- 7 (A) a resident of the electoral district from which the member  
8 is elected; and
- 9 (B) voted upon by only the registered voters residing within  
10 the electoral district and voting at a governing body election.
- 11 (2) Three (3) members, who are voted upon by all the registered  
12 voters residing within the school corporation and voting at a  
13 governing body election, elected under this subdivision. The  
14 governing body shall establish three (3) residential districts as  
15 follows:
- 16 (A) One (1) residential district must be the township that has  
17 the greatest population within the school corporation.
- 18 (B) Two (2) residential districts must divide the remaining  
19 area within the school corporation.
- 20 Only one (1) member who resides within a particular residential  
21 district established under this subdivision may serve on the  
22 governing body at a time.
- 23 (c) A member of the governing body who is:
- 24 (1) elected from an electoral or a residential district; or  
25 (2) appointed to fill a vacancy from an electoral or a residential  
26 district;  
27 must reside within the boundaries of the district the member represents.
- 28 (d) A vacancy on the governing body shall be filled ~~by the~~  
29 ~~governing body as soon as practicable after the vacancy occurs. as~~  
30 **provided in IC 3-13-7.** A member chosen ~~by the governing body~~ to fill  
31 a vacancy holds office for the remainder of the unexpired term.
- 32 (e) The members of the governing body serving at the time a plan  
33 is amended under this section shall establish the electoral and  
34 residential districts described in subsection (b).
- 35 (f) The electoral districts described in subsection (b)(1):  
36 (1) shall be drawn on the basis of precinct lines;  
37 (2) may not cross precinct lines; and  
38 (3) as nearly as practicable, be of equal population, with the  
39 population of the largest exceeding the population of the smallest  
40 by not more than fifteen percent (15%).
- 41 (g) The residential districts described in subsection (b)(2) may:  
42 (1) be drawn in any manner considered appropriate by the

C  
O  
P  
Y



1 governing body; and  
 2 (2) be drawn along township lines.  
 3 (h) The governing body shall certify the districts established under  
 4 subsections (f) and (g) to:  
 5 (1) the state board; and  
 6 (2) the county election board of the county in which the school  
 7 corporation is located.  
 8 (i) The governing body shall designate:  
 9 (1) three (3) of the districts established under this section to be  
 10 elected at the first school board election that occurs after the  
 11 effective date of the plan; and  
 12 (2) the remaining four (4) districts to be elected at the second  
 13 school board election that occurs after the effective date of the  
 14 plan.  
 15 SECTION 30. IC 20-23-6-8, AS AMENDED BY P.L.2-2006,  
 16 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2011]: Sec. 8. (a) Consolidated schools are under the control  
 18 and management of the consolidated governing body created under this  
 19 chapter, and a new consolidated school corporation comes into  
 20 existence:  
 21 (1) at the time specified in the resolutions provided in section 3  
 22 or 4 of this chapter; or  
 23 (2) if a time is not specified, at the following times:  
 24 (A) If a protest has not been filed and the creation is  
 25 accomplished by the adoption of a joint resolution following  
 26 publication of notice as provided in section 3 of this chapter,  
 27 thirty (30) days after the adoption of the joint resolution.  
 28 (B) If the creation is accomplished after an election as  
 29 provided in section 6 of this chapter, thirty (30) days after the  
 30 election.  
 31 (b) The members of the governing body shall:  
 32 (1) take an oath to faithfully discharge the duties of office; and  
 33 (2) meet at least five (5) days before the time the new  
 34 consolidated school corporation comes into existence to organize.  
 35 (c) The governing body shall meet to reorganize on August 1 of  
 36 each year and at any time the personnel of the board is changed. At the  
 37 organization or reorganization meeting, the members of the governing  
 38 body shall elect the following:  
 39 (1) A president.  
 40 (2) A secretary.  
 41 (3) A treasurer.  
 42 (d) The treasurer, before starting the duties of the treasurer's office,

C  
O  
P  
Y



1 shall execute a bond to the acceptance of the county auditor. The fee  
 2 for the bond shall be paid from the school general fund of the  
 3 consolidated school corporation. Any vacancy occurring in the  
 4 membership in any governing body, other than vacancy in the office of  
 5 an ex officio member, shall be filled in the following manner:

6 (1) If the membership was originally made by appointment, the  
 7 vacancy shall be filled by appointment by the legislative body of  
 8 the:

- 9 (A) city;  
 10 (B) town;  
 11 (C) township; or  
 12 (D) other body;

13 or other official making the original appointment.

14 (2) If the membership was elected, the vacancy shall be filled by  
 15 a majority vote of the remaining members of the governing body  
 16 of the consolidated school corporation: **as provided in IC 3-13-7.**

17 (e) The members of the governing body, other than the township  
 18 executive or ex officio member, shall receive compensation for services  
 19 as fixed by resolution of the governing body. The members, other than  
 20 the township executive or any ex officio member, may not receive more  
 21 than two hundred dollars (\$200) annually. Any:

- 22 (1) township executive; or  
 23 (2) ex officio member of the governing body;

24 shall serve without additional compensation.

25 (f) The governing body of a consolidated school corporation may  
 26 elect and appoint personnel it considers necessary.

27 SECTION 31. IC 20-23-7-6, AS ADDED BY P.L.1-2005,  
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2011]: Sec. 6. (a) The first metropolitan board of education  
 30 shall be composed of the:

- 31 (1) trustees; and  
 32 (2) members of school boards;

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

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

38 (c) If a metropolitan school district is comprised of only two (2)  
 39 board members, the two (2) members shall appoint a third board  
 40 member not more than ten (10) days after the creation of the  
 41 metropolitan school district. If the two (2) members are unable to agree  
 42 on or do not make the appointment of a third board member within the

C  
 O  
 P  
 Y



1 ten (10) day period after the creation of the metropolitan school district,  
 2 the third member shall be appointed not more than twenty (20) days  
 3 after the creation of the metropolitan school district by the judge of the  
 4 circuit court of the county in which the metropolitan school district is  
 5 located. If the metropolitan school district is located in two (2) or more  
 6 counties, the judge of the circuit court of the county containing that part  
 7 of the metropolitan school district having more students than the part  
 8 or parts located in another county or counties shall appoint the third  
 9 member. The members of the metropolitan board of education serve  
 10 until their successors are elected or appointed and qualified.

11 (d) The first meeting of the first metropolitan board of education  
 12 shall be held not more than one (1) month after the creation of the  
 13 metropolitan school district. The first meeting shall be called by the  
 14 superintendent of schools, or township trustee of a school township, of  
 15 the school corporation in the district having the largest number of  
 16 students. At the first meeting, the board shall organize, and **each year**  
 17 **during the first ten (10) days of each July after the board members**  
 18 **that are elected or appointed to a new term take office**, the board  
 19 shall reorganize, by electing a president, a vice president, a secretary,  
 20 and a treasurer.

21 (e) The secretary of the board shall keep an accurate record of the  
 22 minutes of the metropolitan board of education, and the minutes shall  
 23 be kept in the superintendent's office. When a metropolitan school  
 24 district is formed, the metropolitan superintendent shall act as  
 25 administrator of the board and shall carry out the acts and duties as  
 26 designated by the board. A quorum consists of a majority of the  
 27 members of the board. A quorum is required for the transaction of  
 28 business. The vote of a majority of those present is required for a:

- 29 (1) motion;
- 30 (2) ordinance; or
- 31 (3) resolution;

32 to pass.

33 (f) The board shall conduct its affairs in the manner described in this  
 34 section. Except in unusual cases, the board shall hold its meetings at  
 35 the office of the metropolitan superintendent or at a place mutually  
 36 designated by the board and the superintendent. Board records are to  
 37 be maintained and board business is to be conducted from the office of  
 38 the metropolitan superintendent or a place designated by the board and  
 39 the superintendent.

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

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

C  
O  
P  
Y



1           one hundred twenty-five dollars (\$125) per year; and  
 2           (2) for travel to and from a member's home to the place of the  
 3           meeting within the district, a sum for mileage equal to the amount  
 4           per mile paid to state officers and employees. The rate per mile  
 5           shall change when the state government changes its rate per mile.

6           SECTION 32. IC 20-23-7-8.1 IS ADDED TO THE INDIANA  
 7           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8           [EFFECTIVE JULY 1, 2011]: **Sec. 8.1. (a) The registered voters of**  
 9           **the metropolitan school district shall nominate candidates for**  
 10           **members of the metropolitan board of education at primary**  
 11           **elections and elect the members of the metropolitan board of**  
 12           **education at general elections held biennially, beginning with the**  
 13           **primary to nominate candidates for the next general election that**  
 14           **is held more than sixty (60) days after the creation of the**  
 15           **metropolitan school district as provided in this chapter.**

16           (b) Each candidate for the board must file in accordance with  
 17           IC 3-8-2 a declaration of candidacy signed by the candidate. The  
 18           declaration must be filed in accordance with IC 3-8-2 with the  
 19           circuit court clerk of each county in which the metropolitan school  
 20           district is located.

21           (c) All candidates for nomination shall be listed by board  
 22           member district and political party on the primary election ballot  
 23           in the form prescribed by IC 3-10-1. The ballot must state the  
 24           number of board members to be voted on and the maximum  
 25           number of candidates that may be nominated from each board  
 26           member district as provided under section 5 of this chapter. Voting  
 27           and tabulation of votes shall be conducted in the same manner as  
 28           voting and tabulation is conducted for county offices on the same  
 29           primary election ballot. The precinct election boards serving in  
 30           each county shall conduct the primary election for the nomination  
 31           of candidates for school board members. If a metropolitan school  
 32           district is located in more than one (1) county, each county election  
 33           board shall print the ballots required for voters in that county to  
 34           vote for the nomination of candidates for school board members.  
 35           Only voters of a political party may vote for candidates of that  
 36           political party in primary elections. The candidates of a political  
 37           party residing in each board member district who receive the most  
 38           votes in the primary election are the nominees of that political  
 39           party.

40           (d) Nominees for the board shall be listed on the general election  
 41           ballot:

42           (1) in the form prescribed by IC 3-11-2;

C  
 o  
 p  
 y



- 1           (2) by board member districts; and
- 2           (3) by political party.

3           **The ballot must state the number of board members to be voted on**  
 4           **and the maximum number of members that may be elected from**  
 5           **each board member district as provided under section 5 of this**  
 6           **chapter.**

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

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

13          (g) If, at any time after the first board member election a  
 14          vacancy on the board occurs for any reason, including an  
 15          insufficient number of petitions for candidates being filed, if the  
 16          vacating member was appointed, the remaining members of the  
 17          board, whether or not a majority of the board, shall by a majority  
 18          vote fill the vacancy by appointing a person from the board  
 19          member district to serve for the term or the balance of the term. If  
 20          the vacating member was elected, the vacancy shall be filled as  
 21          provided in IC 3-13-7.

22          (h) At the first general election in which members of the board  
 23          are elected under this section, the elected candidates who constitute  
 24          a simple majority of the elected candidates and who receive the  
 25          most votes shall be elected for four (4) year terms, and the other  
 26          elected candidates shall be elected for two (2) year terms.

27          (i) After the first general election referred to in subsection (h),  
 28          board members shall be elected for four (4) year terms and shall  
 29          take office January 1 following their election.

30          SECTION 33. IC 20-23-7-12, AS AMENDED BY P.L.1-2007,  
 31          SECTION 143, IS AMENDED TO READ AS FOLLOWS  
 32          [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) As used in this section,  
 33          "county" means the county in which the school township is located.

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

- 36           (1) for the last full school semester immediately preceding:
  - 37           (A) the adoption of a preliminary resolution by the township
  - 38           trustee and the township board under subsection (f); or
  - 39           (B) the adoption of a resolution of disapproval by the township
  - 40           trustee and the township board under subsection (g);
  - 41           had an ADM of at least six hundred (600) students in
  - 42           kindergarten through grade 12 in the public schools of the school

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



1 township; or  
 2 (2) is part of a township in which there were more votes cast for  
 3 township trustee outside the school township than inside the  
 4 school township in the general election at which the trustee was  
 5 elected and that preceded the adoption of the preliminary or  
 6 disapproving resolution.  
 7 (c) As used in this section, "township board" means the township  
 8 board of a township in which the school township is located.  
 9 (d) As used in this section, "township trustee" means the township  
 10 trustee of the township in which the school township is located.  
 11 (e) In a school township, a metropolitan school district may be  
 12 created by complying with this section. A metropolitan school district  
 13 created under this section shall have the same boundaries as the school  
 14 township. After a district has been created under this section, the  
 15 school township that preceded the metropolitan school district is  
 16 abolished. The procedures or provisions governing the creation of a  
 17 metropolitan school district under another section of this chapter do not  
 18 apply to the creation of a district under this section. After a  
 19 metropolitan school district is created under this section, the district  
 20 shall, except as otherwise provided in this section, be governed by and  
 21 operate in accordance with this chapter governing the operation of a  
 22 metropolitan school district as established under section 2 of this  
 23 chapter.  
 24 (f) Except as provided in subsection (g), a metropolitan school  
 25 district provided for in subsection (e) may be created in the following  
 26 manner:  
 27 (1) The township trustee shall call a meeting of the township  
 28 board. At the meeting, the township trustee and a majority of the  
 29 township board shall adopt a resolution that a metropolitan school  
 30 district shall be created in the school township. The township  
 31 trustee shall then give notice:  
 32 (A) by two (2) publications one (1) week apart in a newspaper  
 33 of general circulation published in the school township; or  
 34 (B) if there is no newspaper as described in clause (A), in a  
 35 newspaper of general circulation in the county;  
 36 of the adoption of the resolution setting forth the text of the  
 37 resolution.  
 38 (2) On the thirtieth day after the date of the last publication of the  
 39 notice under subdivision (1) and if a protest has not been filed, the  
 40 township trustee and a majority of the township board shall  
 41 confirm their preliminary resolution. If, however, on or before the  
 42 twenty-ninth day after the date of the last publication of the

COPY



1 notice, a number of registered voters of the school township,  
 2 equal to five percent (5%) or more of the number of votes cast in  
 3 the school township for secretary of state at the last preceding  
 4 general election for that office, sign and file with the township  
 5 trustee a petition requesting an election in the school township to  
 6 determine whether or not a metropolitan school district must be  
 7 created in the township in accordance with the preliminary  
 8 resolution, then an election must be held as provided in  
 9 subsection (h). The preliminary resolution and confirming  
 10 resolution provided in this subsection shall both be adopted at a  
 11 meeting of the township trustee and township board in which the  
 12 township trustee and each member of the township board received  
 13 or waived a written notice of the date, time, place, and purpose of  
 14 the meeting. The resolution and the proof of service or waiver of  
 15 the notice shall be made a part of the records of the township  
 16 board.

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

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

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

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

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

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

37 (h) An election required under subsection (f) or (g) may, at the  
 38 option of the township trustee, be held either as a special election or in  
 39 conjunction with a primary or general election to be held not more than  
 40 one hundred twenty (120) days after the filing of a petition under  
 41 subsection (f) or the adoption of the disapproving resolution under  
 42 subsection (g). The township trustee shall certify the question to the

**C  
O  
P  
Y**



1 county election board under IC 3-10-9-3 and give notice of an election:  
 2 (1) by two (2) publications one (1) week apart in a newspaper of  
 3 general circulation in the school township; or  
 4 (2) if a newspaper described in subdivision (1) does not exist, in  
 5 a newspaper of general circulation published in the county.

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

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

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

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

C  
o  
p  
y



1 of the creation of a metropolitan school district under this section or to  
2 enjoin the operation of a metropolitan school district may not be  
3 instituted later than the thirtieth day following the date of the adoption  
4 of the confirming resolution under subsection (f) or of the election held  
5 under subsection (h). Except as provided in this section, an election  
6 under this subsection may not be held sooner than twelve (12) months  
7 after another election held under subsection (h).

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

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

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

C  
o  
p  
y



1 of the district provided in this chapter.

2 SECTION 34. IC 20-23-8-7, AS ADDED BY P.L.1-2005,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2011]: Sec. 7. (a) A plan or proposed plan must contain the  
5 following items:

6 (1) The number of members of the governing body, which shall  
7 be:

8 (A) three (3);

9 (B) five (5); or

10 (C) seven (7);

11 members.

12 (2) Whether the governing board shall be elected or appointed.

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

16 (4) If elected, ~~whether the election shall be at the primary or at the~~  
17 ~~general election that county officials are nominated or elected;~~  
18 ~~and a general description of the manner of election that conforms~~  
19 ~~with the requirements of IC 20-23-4-27 and a provision that the~~  
20 ~~members of an elected governing board shall be:~~

21 (A) **nominated at a primary election at which county**  
22 **officials are nominated; and**

23 (B) **elected at a general election at which county officials**  
24 **are elected.**

25 (5) The limitations on:

26 (A) residence;

27 (B) term of office; and

28 (C) other qualifications;

29 required by members of the governing body.

30 (6) The time the plan takes effect.

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

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

39 SECTION 35. IC 20-23-8-21, AS ADDED BY P.L.1-2005,  
40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2011]: Sec. 21. An election may not be held under this chapter  
42 more than once each eighteen (18) months. A plan for a governing

C  
O  
P  
Y



1 body may not be adopted more than once each six (6) years, except if  
2 **either of the following applies:**

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

6 ~~(2) (1) A plan adopted is declared or held to be invalid by a~~  
7 ~~binding judgment or order in a United States or an Indiana court~~  
8 ~~that no appeal or further approval can be taken. or~~

9 ~~(3) (2) The plan provides solely for changes in items specified in~~  
10 ~~section 7(a)(5) of this chapter.~~

11 SECTION 36. IC 20-23-10-8, AS ADDED BY P.L.1-2005,  
12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2011]: Sec. 8. (a) The board members of a merged school  
14 corporation shall be:

15 **(1) nominated at the primary election for; and**

16 **(2) elected at;**

17 the first ~~primary~~ **general** election following the merged school  
18 corporation's creation, and vacancies shall be filled in accordance with  
19 IC 20-23-4-30.

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

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

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

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

29 SECTION 37. IC 20-23-12-3, AS ADDED BY P.L.1-2005,  
30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2011]: Sec. 3. (a) The governing body of the school  
32 corporation consists of seven (7) members **nominated at a primary**  
33 **election and** elected ~~as follows:~~

34 ~~(1) On a nonpartisan basis:~~

35 ~~(2) in a primary general election held~~ in the county.

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

38 (1) is elected from the school district in which the member  
39 resides; and

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

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

C  
O  
P  
Y



- 1 (1) is the at-large member of the governing body;  
 2 (2) may reside in any of the districts drawn under section 4 of this  
 3 chapter; and  
 4 (3) upon election and in conducting the business of the governing  
 5 body, represents the interests of the entire school corporation.

6 SECTION 38. IC 20-23-12-5, AS AMENDED BY P.L.1-2006,  
 7 SECTION 318, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The six (6) members who are  
 9 elected for a position on the governing body described under section  
 10 3(b) of this chapter are determined as follows:

11 (1) Each prospective candidate must file a ~~nomination petition~~  
 12 **declaration of candidacy signed by the candidate in**  
 13 **accordance with IC 3-8-2** with the board of elections and  
 14 registration. ~~not earlier than one hundred four (104) days and not~~  
 15 ~~later than noon seventy-four (74) days before the election at~~  
 16 ~~which the members are to be elected that includes The~~  
 17 **declaration must be filed in accordance with IC 3-8-2-4 and,**  
 18 **in addition to the information required by IC 3-8-2-7, include**  
 19 the following information:

20 (A) The name of the prospective candidate.

21 (B) The district in which the prospective candidate resides.

22 ~~(C) The signatures of at least one hundred (100) registered~~  
 23 ~~voters residing in the school corporation.~~

24 ~~(D) (C) The fact that the prospective candidate is running for~~  
 25 a district position.

26 ~~(E) (D) A certification that the prospective candidate meets the~~  
 27 qualifications for candidacy imposed by this chapter.

28 **(2) All candidates for nomination shall be listed by political**  
 29 **party and board member district on the primary election**  
 30 **ballot in the form prescribed by IC 3-10-1. Voting and**  
 31 **tabulation of votes shall be conducted in the same manner as**  
 32 **voting and tabulation is conducted for county offices on the**  
 33 **same primary election ballot. Only eligible voters of a political**  
 34 **party residing in the district may vote for a candidate of that**  
 35 **political party. The candidate of each political party within**  
 36 **each district who receives the greatest number of votes in the**  
 37 **district is the nominee of that political party.**

38 **(3) Nominees shall be listed by board member district on the**  
 39 **general election ballot in the form prescribed by IC 3-11-2.**

40 ~~(4) Only eligible voters residing in the district may vote for a~~  
 41 ~~candidate.~~ **nominee.**

42 ~~(5) The candidate~~ **nominee** within each district who receives

C  
o  
p  
y



1 the greatest number of votes in the district is elected.

2 (b) The at-large member elected under section 3(c) of this chapter  
3 is determined as follows:

4 (1) Each prospective candidate must file a ~~nomination petition~~  
5 **declaration of candidacy signed by the candidate in**  
6 **accordance with IC 3-8-2** with the clerk of the circuit court. at  
7 ~~least seventy-four (74) days before the election at which the~~  
8 ~~at-large member is to be elected. The petition must~~ **The**  
9 **declaration must be filed in accordance with IC 3-8-2-4 and,**  
10 **in addition to the information required by IC 3-8-2-7,** include  
11 the following information:

12 (A) The name of the prospective candidate.

13 ~~(B) The signatures of at least one hundred (100) registered~~  
14 ~~voters residing within the school corporation.~~

15 ~~(C) (B) The fact that the prospective candidate is running for~~  
16 ~~the at-large position on the governing body.~~

17 ~~(D) (C) A certification that the prospective candidate meets~~  
18 ~~the qualifications for candidacy imposed by this chapter.~~

19 **(2) All candidates for nomination shall be listed by political**  
20 **party on the primary election ballot in the form prescribed by**  
21 **IC 3-10-1. Voting and tabulation of votes shall be conducted**  
22 **in the same manner as voting and tabulation is conducted for**  
23 **county offices on the same primary election ballot. Only**  
24 **eligible voters of a political party residing in the school**  
25 **corporation may vote for a candidate of that political party.**  
26 **The candidate of a political party who receives the greatest**  
27 **number of votes is the nominee of that political party.**

28 **(3) Nominees shall be listed on the general election ballot in**  
29 **the form prescribed by IC 3-11-2.**

30 ~~(2) (4) Only eligible voters residing in the school corporation may~~  
31 ~~vote for a candidate. nominee.~~

32 ~~(3) (5) The candidate nominee who:~~

33 (A) runs for the at-large position on the governing body; and

34 (B) receives the greatest number of votes in the school  
35 corporation;

36 is elected to the at-large position.

37 SECTION 39. IC 20-23-12-8, AS ADDED BY P.L.1-2005,  
38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2011]: Sec. 8. (a) The term of each person elected to serve on  
40 the governing body

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

42 ~~(2) begins~~

C  
o  
p  
y



1 (b) The term of each person elected to serve on the governing  
2 body begins the July 1 January 1 that next follows the person's  
3 election.

4 SECTION 40. IC 20-23-12-9, AS ADDED BY P.L.1-2005,  
5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2011]: Sec. 9. The members are elected as follows:

7 (1) Three (3) of the members elected under section 3(b) of this  
8 chapter are:

9 (A) nominated at the primary election; and  
10 (B) elected at the primary general election;  
11 to be held in 2008 2012 and every four (4) years thereafter.

12 (2) Three (3) of the members elected under section 3(b) of this  
13 chapter are:

14 (A) nominated at the primary election; and  
15 (B) elected at the primary general election:  
16 to be held in 2006 2014 and every four (4) years thereafter.

17 (3) The at-large member elected under section 3(c) of this chapter  
18 is:

19 (A) nominated at the primary election; and  
20 (B) elected at the primary general election;  
21 to be held in 2008 2012 and every four (4) years thereafter.

22 SECTION 41. IC 20-23-13-1, AS ADDED BY P.L.230-2005,  
23 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2011]: Sec. 1. (a) In a community school corporation  
25 established under IC 20-23-4 that:

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

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

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

38 (c) At the 2006 primary election and at each primary election every  
39 four (4) years thereafter, there shall be elected in each school city  
40 covered by this chapter three (3) governing body members, each of  
41 whom shall serve for four (4) years. The three (3) candidates for the  
42 office of school trustee receiving the highest number of votes at the

C  
o  
p  
y



1 election take office on July 1 next following the election.

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

5 SECTION 42. IC 20-23-13-2.1 IS ADDED TO THE INDIANA  
6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2011]: **Sec. 2.1. (a) As used in this section,**  
8 **"county election board" includes a board of elections and**  
9 **registration established under IC 3-6-5.2.**

10 **(b) The voters of the school corporation shall:**

11 **(1) nominate the members of the governing body at a primary**  
12 **election; and**

13 **(2) elect the members of the governing body at a general**  
14 **election;**

15 **for a term of four (4) years. The members shall be elected from the**  
16 **city at large without reference to district.**

17 **(c) Each candidate for election to the governing body must file**  
18 **a declaration of candidacy in accordance with IC 3-8-2 with the**  
19 **county election board in each county in which a school corporation**  
20 **subject to this chapter is located.**

21 **(d) All candidates for nomination shall be listed by political**  
22 **party on the primary election ballot in the form prescribed by**  
23 **IC 3-10-1. Voting and tabulation of votes shall be conducted in the**  
24 **same manner as voting and tabulation is conducted for county**  
25 **offices on the same primary election ballot. Only eligible voters of**  
26 **a political party may vote for a candidate of that political party.**  
27 **The candidates of a political party who receive the greatest number**  
28 **of votes are the nominees of that political party.**

29 **(e) Nominees shall be listed on the general election ballot in the**  
30 **form prescribed by IC 3-11-2.**

31 **(f) Voting and tabulation of votes shall be conducted in the same**  
32 **manner as voting and tabulation is conducted for county offices on**  
33 **the same general election ballot. The nominees receiving the**  
34 **greatest number of votes are elected to the governing body.**

35 SECTION 43. IC 20-23-13-3, AS ADDED BY P.L.1-2005,  
36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2011]: **Sec. 3.** The intent of this chapter is to provide that the  
38 governing body of the school corporations to which it relates shall be  
39 elected as provided in:

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

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

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

C  
O  
P  
Y



1           **(4)** IC 20-23-4-31;  
 2 but this chapter prevails over any conflicting provisions of IC 20-23-4  
 3 relating to any school corporation.

4           SECTION 44. IC 20-23-14-3, AS ADDED BY P.L.1-2005,  
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2011]: Sec. 3. (a) The governing body of the school  
 7 corporation consists of five (5) members elected ~~on a nonpartisan basis:~~  
 8 **as provided in this chapter.**

9           (b) Three (3) of the members are elected from the school districts  
 10 referred to in section 4 of this chapter by eligible voters residing in the  
 11 school districts. Each member:

12           (1) is elected from the school district in which the member  
 13 resides; and

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

16           (c) Two (2) of the members:

17           (1) are elected by eligible voters residing in the school  
 18 corporation;

19           (2) are at-large members of the governing body; and

20           (3) upon election and in conducting the business of the governing  
 21 body, represent the interests of the entire school corporation.

22           SECTION 45. IC 20-23-14-5, AS ADDED BY P.L.230-2005,  
 23 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2011]: Sec. 5. To be eligible to be a candidate for the  
 25 governing body under this chapter, the following apply:

26           (1) Each prospective candidate must file a ~~nomination petition~~  
 27 **declaration of candidacy signed by the candidate in**  
 28 **accordance with IC 3-8-2** with the board of elections and  
 29 registration. ~~not earlier than one hundred four (104) days and not~~  
 30 ~~later than noon seventy-four (74) days before the primary election~~  
 31 ~~at which the members are to be elected: that includes The~~  
 32 **declaration must be filed in accordance with IC 3-8-2-4 and,**  
 33 **in addition to the information required by IC 3-8-2-7, include**  
 34 the following: ~~information:~~

35           ~~(A) The name of the prospective candidate:~~

36           ~~(B)~~ **(A)** Whether the prospective candidate is a district  
 37 candidate or an at-large candidate.

38           ~~(C)~~ **(B)** A certification that the prospective candidate meets the  
 39 qualifications for candidacy imposed under this chapter.

40           ~~(D) The signatures of at least one hundred (100) registered~~  
 41 ~~voters residing in the school corporation:~~

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

C  
O  
P  
Y



- 1 (A) reside in the district; and  
 2 (B) have resided in the district for at least the three (3) years  
 3 immediately preceding the election.  
 4 (3) Each prospective candidate for an at-large position must:  
 5 (A) reside in the school corporation; and  
 6 (B) have resided in the school corporation for at least the three  
 7 (3) years immediately preceding the election.  
 8 (4) Each prospective candidate (regardless of whether the  
 9 candidate is a district candidate or an at-large candidate) must:  
 10 (A) be a registered voter;  
 11 (B) have been a registered voter for at least the three (3) years  
 12 immediately preceding the election; and  
 13 (C) be a high school graduate or have received a:  
 14 (i) high school equivalency certificate; or  
 15 (ii) state general educational development (GED) diploma  
 16 under IC 20-20-6.  
 17 (5) A prospective candidate may not:  
 18 (A) hold any other elective or appointive office; or  
 19 (B) have a pecuniary interest in any contract with the school  
 20 corporation or its governing body;  
 21 as prohibited by law.

22 SECTION 46. IC 20-23-14-6, AS AMENDED BY P.L.1-2006,  
 23 SECTION 319, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2011]: Sec. 6. **(a) All candidates for  
 25 nomination shall be listed by political party on the primary election  
 26 ballot in the form prescribed by IC 3-10-1. Voting and tabulation  
 27 of votes shall be conducted in the same manner as voting and  
 28 tabulation is conducted for county offices on the same primary  
 29 election ballot. Only eligible voters of a political party residing in  
 30 the school corporation may vote for a candidate of that political  
 31 party. The candidates of a political party who receive the greatest  
 32 number of votes are the nominees of that political party.**

33 **(b) Nominees shall be listed on the general election ballot in the  
 34 form prescribed by IC 3-11-2.**

35 **(c) Voting and tabulation of votes shall be conducted in the same  
 36 manner as voting and tabulation is conducted for county offices on  
 37 the same general election ballot.**

38 ~~(a)~~ **(d)** With regard to a district position referred to in section 3(b)  
 39 of this chapter, the ~~candidate~~ **nominee** who receives the greatest  
 40 number of votes of all ~~candidates~~ **nominees** for that position is elected.

41 ~~(b)~~ **(e)** With regard to the at-large positions referred to in section  
 42 3(c) of this chapter, the two (2) at-large ~~candidates~~ **nominees** who

C  
o  
p  
y



1 receive the greatest number of votes of all at-large ~~candidates~~  
2 **nominees** are elected.

3 SECTION 47. IC 20-23-14-8, AS ADDED BY P.L.1-2005,  
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2011]: Sec. 8. (a) The term of each person elected to serve on  
6 the governing body

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

8 ~~(2) begins~~

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

12 SECTION 48. IC 20-23-14-9, AS ADDED BY P.L.1-2005,  
13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2011]: Sec. 9. The members are elected as follows:

15 (1) Three (3) of the members are:

16 **(A) nominated at the primary election; and**

17 **(B) elected at the primary general election;**  
18 to be held in ~~2008~~ **2012** and every four (4) years thereafter.

19 (2) Two (2) of the members are:

20 **(A) nominated at the primary election; and**

21 **(B) elected at the primary general election;**  
22 to be held in ~~2006~~ **2014** and every four (4) years thereafter.

23 SECTION 49. IC 20-23-15-6, AS ADDED BY P.L.1-2005,  
24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2011]: Sec. 6. (a) The governing body of the school  
26 corporation consists of seven (7) members who shall be: ~~elected:~~

27 ~~(1) on a nonpartisan basis; nominated in a primary election; and~~

28 ~~(2) elected in the a~~ general election held in the county.

29 (b) Five (5) of the members shall be elected from the school districts  
30 in which the members reside as established under section 7 of this  
31 chapter.

32 (c) Two (2) of the members shall be elected at large.

33 SECTION 50. IC 20-23-15-8, AS AMENDED BY P.L.1-2006,  
34 SECTION 320, IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2011]: Sec. 8. If a candidate runs for one (1) of  
36 the district positions on the governing body, as provided under section  
37 6(b) of this chapter, the following apply:

38 (1) An individual who runs for one (1) of the district positions on  
39 the governing body must reside within that district.

40 (2) Upon filing ~~an intention~~ **a declaration of candidacy in**  
41 **accordance with IC 3-8-2** to run under this chapter, **in addition**  
42 **to the information required by IC 3-8-2-7,** the candidate must

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

specify that the candidate is running for a district position.  
(3) **All candidates for nomination shall be listed by political party on the primary election ballot in the form prescribed by IC 3-10-1. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation is conducted for county offices on the same primary election ballot.** Only eligible voters of the candidate's political party residing in the candidate's district may vote for the candidate. **The candidates of a political party who receive the greatest number of votes are the nominees of that political party.**  
(4) **Nominees shall be listed on the general election ballot in the form prescribed by IC 3-11-2. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation is conducted for county offices on the same general election ballot. Only eligible voters residing in the nominees' district may vote for a nominee.** The ~~candidate~~ nominee who receives the greatest number of votes of all ~~candidates~~ nominees for the position wins.  
SECTION 51. IC 20-23-15-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. If a candidate runs for one (1) of the at-large positions on the governing body, as provided under section 6(c) of this chapter, the following apply:  
(1) An individual who runs for one (1) of the at-large positions on the governing body must reside within the boundaries of the school corporation.  
(2) Upon filing ~~an intention~~ **a declaration of candidacy in accordance with IC 3-8-2** to run under this chapter, **in addition to the information required by IC 3-8-2-7,** the candidate must specify that the candidate is running for an at-large position.  
(3) **All candidates for nomination shall be listed by political party on the primary election ballot in the form prescribed by IC 3-10-1. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation is conducted for county offices on the same primary election ballot.** Eligible voters of the candidate's political party from all districts may vote for the candidate. **The candidates of a political party who receive the greatest number of votes are the at-large nominees of that political party.**  
(4) **Nominees shall be listed on the general election ballot in the form prescribed by IC 3-11-2. Voting and tabulation of votes shall be conducted in the same manner as voting and**

C  
o  
p  
y



1           **tabulation is conducted for county offices on the same general**  
2           **election ballot. Eligible voters from all districts may vote for**  
3           **the nominees.** The two (2) ~~candidates~~ **at-large nominees** who  
4           receive the greatest number of votes win.

5           SECTION 52. IC 20-25-3-4, AS AMENDED BY P.L.1-2006,  
6           SECTION 322, IS AMENDED TO READ AS FOLLOWS  
7           [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The board consists of seven  
8           (7) members. A member:

- 9           (1) must be:
  - 10           **(A) nominated in primary elections; and**
  - 11           **(B) elected on a nonpartisan basis in primary general**  
12           **elections;**  
13           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~~ **Each candidate files must file a declaration of candidacy**  
25           **as provided in IC 3-8-2 to run for a position on the board. The**  
26           **declaration must be filed in accordance with IC 3-8-2-4 and, in**  
27           **addition to the information required by IC 3-8-2-7, the candidate**  
28           **must specify whether the candidate is running for a district or an**  
29           **at-large position. All candidates for nomination shall be listed by**  
30           **political party and by district or at-large position in the form**  
31           **prescribed by IC 3-10-1. Voting and tabulation of votes shall be**  
32           **conducted in the same manner as voting and tabulation is**  
33           **conducted for county offices on the same primary election ballot.**  
34           **Only eligible voters of a political party may vote for a candidate of**  
35           **that political party. The candidates of each political party who**  
36           **receive the greatest number of votes are the nominees of that**  
37           **political party.**

38           (e) **Nominees shall be listed by district or at-large position on the**  
39           **general election ballot in the form prescribed by IC 3-11-2. Voting**  
40           **and tabulation of votes shall be conducted in the same manner as**  
41           **voting and tabulation is conducted for county offices on the same**  
42           **general election ballot. Only eligible voters residing in the district**

C  
o  
p  
y



1 **may vote for a nominee of that district. Eligible voters residing in**  
2 **all districts may vote for an at-large nominee.** A ~~candidate~~ **nominee**  
3 who runs for a district or an at-large position wins if the ~~candidate~~  
4 **nominee** receives the greatest number of votes of all the ~~candidates~~  
5 **nominees** for the position.

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

- 12 (1) balloting procedures for the election under IC 3; and
- 13 (2) other procedures required to implement this section.

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

15 (h) In accordance with subsection (k), a vacancy in the board shall  
16 be filled temporarily by the board as soon as practicable after the  
17 vacancy occurs. ~~The member chosen by the board to fill a vacancy~~  
18 ~~holds office until the member's successor is elected and qualified. The~~  
19 ~~successor shall be elected at the next regular school board election~~  
20 ~~occurring after the date on which the vacancy occurs.~~ **as provided by**  
21 **IC 3-13-7.** The successor fills the vacancy for the remainder of the  
22 term.

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

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

31 (k) If a vacancy in the board exists because of the death of a  
32 member, the ~~remaining members of the board shall meet and select an~~  
33 ~~individual to fill the vacancy~~ **shall be filled** in accordance with  
34 ~~subsection (h)~~ **IC 3-13-7** after the secretary of the board receives notice  
35 of the death under IC 5-8-6.

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

- 41 (1) Ensure that the court operates efficiently and judicially under
- 42 rules adopted by the court.

C  
o  
p  
y



1 (2) Annually submit to the fiscal body of Monroe County a budget  
 2 for the court, including amounts necessary for:  
 3 (A) the operation of the circuit's probation department;  
 4 (B) the defense of indigents; and  
 5 (C) maintaining an adequate law library.  
 6 (3) Make the appointments or selections required of a circuit or  
 7 superior court judge under the following statutes:  
 8 IC 8-4-21-2  
 9 IC 11-12-2-2  
 10 IC 16-22-2-4  
 11 IC 16-22-2-11  
 12 IC 16-22-7  
 13 IC 20-23-4  
 14 IC 20-23-7-6  
 15 ~~IC 20-23-7-8~~  
 16 IC 20-26-7-8  
 17 IC 20-26-7-14  
 18 IC 20-47-2-15  
 19 IC 20-47-3-13  
 20 IC 36-9  
 21 IC 36-10  
 22 IC 36-12-10-10.  
 23 (4) Make appointments or selections required of a circuit or  
 24 superior court judge by any other statute, if the appointment or  
 25 selection is not required of the court because of an action before  
 26 the court.  
 27 SECTION 54. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 28 JULY 1, 2011]: IC 3-8-2-2.6; IC 3-11-2-12.9; IC 3-11-2-14.5;  
 29 IC 3-11-14-12; IC 20-23-4-29; IC 20-23-7-8; IC 20-23-13-2.

C  
o  
p  
y

