
SENATE BILL No. 442

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-46-1-20.

Synopsis: School operating levy referendum. Provides that during the period beginning with the adoption of a resolution by a school corporation to place an operating levy referendum on the ballot and ending at the close of the polls on the day on which the referendum is submitted to the voters, the school corporation may not promote a position on the referendum by taking certain actions. Specifies that a person or an organization that has a contract or arrangement with a school corporation for the use of any of the school corporation's facilities may not spend any money to promote a position on such a referendum. Specifies that an elected or appointed school board member or a school corporation superintendent may at any time: (1) personally advocate for or against a position on such a referendum; or (2) discuss the referendum with any individual, group, or organization or personally advocate for or against a position on a referendum before any individual, group, or organization; so long as it is not done by using public funds.

Effective: July 1, 2011.

Hershman

January 12, 2011, read first time and referred to Committee on Tax and Fiscal Policy.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 442



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

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

1 SECTION 1. IC 20-46-1-20 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 20. (a) During the period beginning with the adoption**
4 **of a resolution by the governing body of a school corporation to**
5 **place a referendum under this chapter on the ballot and ending at**
6 **the close of the polls on the day on which the referendum is**
7 **submitted to the voters, the school corporation may not promote**
8 **a position on the referendum by doing any of the following:**
9 (1) **Allowing facilities or equipment, including mail and**
10 **messaging systems, owned by the school corporation to be**
11 **used for public relations purposes to promote a position on**
12 **the referendum, unless equal access to the facilities or**
13 **equipment is given to persons with a position opposite to that**
14 **of the school corporation.**
15 (2) **Making an expenditure of money from a fund controlled**
16 **by the school corporation to promote a position on the**
17 **referendum.**



1 **(3) Using an employee to promote a position on the**
2 **referendum during the employee's normal working hours or**
3 **paid overtime, or otherwise compelling an employee to**
4 **promote a position on the referendum at any time.**

5 **(4) Promoting a position on the referendum by:**
6 **(A) using students to transport written materials to their**
7 **residences or in any way directly involving students in a**
8 **school organized promotion of a position; or**
9 **(B) including a statement within another communication**
10 **sent to the students' residences.**

11 **However, this section does not prohibit an employee of the school**
12 **corporation from carrying out duties with respect to a referendum**
13 **that are part of the normal and regular conduct of the employee's**
14 **office or agency.**

15 **(b) The staff and employees of a school corporation may not**
16 **personally identify a student as the child of a parent or guardian**
17 **who supports or opposes a referendum under this chapter.**

18 **(c) A person or an organization that has a contract or**
19 **arrangement (whether formal or informal) with a school**
20 **corporation for the use of any of the school corporation's facilities**
21 **may not spend any money to promote a position on a referendum**
22 **under this chapter. A person or an organization that violates this**
23 **subsection commits a Class A infraction.**

24 **(d) Notwithstanding subsection (a)(3), an elected or appointed**
25 **school board member or a school corporation superintendent may**
26 **at any time:**

- 27 **(1) personally advocate for or against a position on a**
- 28 **referendum under this chapter; or**
- 29 **(2) discuss the referendum with any individual, group, or**
- 30 **organization or personally advocate for or against a position**
- 31 **on a referendum before any individual, group, or**
- 32 **organization;**

33 **so long as the activity described in subdivision (1) or (2) is not**
34 **performed by using public funds.**

35 **(e) A student may use school equipment or facilities to report or**
36 **editorialize about a referendum under this chapter as part of the**
37 **news coverage of the referendum by a student newspaper or**
38 **broadcast.**

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