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# SENATE BILL No. 447

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** School board elections. Provides that school board members selected by election must be elected at general elections beginning in 2012. Repeals provisions related to the election of school board members at the primary election.

**Effective:** July 1, 2011.

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### Schneider, Yoder

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January 12, 2011, read first time and referred to Committee on Elections.

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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. 447



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

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

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 14 for by law until the original declaration is withdrawn.

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

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

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

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

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

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

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of intent to be a write-in candidate.

**Sec. 4. (a) A petition of nomination for a school board office must be filed:**

**(1) not earlier than one hundred four (104) days; and**

**(2) not later than noon seventy-four (74) days;**

**before the general election. The petition must be subscribed and sworn to before a person authorized to administer oaths.**

**(b) A declaration of intent to be a write-in candidate for a school board office must be filed:**

**(1) not earlier than ninety (90) days before the general election; and**

**(2) not later than noon five (5) days before the final date for the delivery of absentee ballots under IC 3-11-4-15.**

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

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

OFFICIAL PRIMARY BALLOT

\_\_\_\_\_ Party

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

Vote for one (1) only

Representative in Congress

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

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

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

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

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

(1) Federal and state offices:

(A) President of the United States.

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

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

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1 ~~school board office~~ or a political party office shall be placed on the  
 2 ballot in accordance with the rules applicable to candidates for  
 3 nomination to an office under subsections (a) and (b).

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

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

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

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

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1 (B) term of office.

2 (6) If an existing school corporation is divided in the

3 reorganization, the disposition of assets and liabilities.

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

5 (b) If existing school corporations are not divided in the

6 reorganization, the:

7 (1) assets;

8 (2) liabilities; and

9 (3) obligations;

10 of the existing school corporations shall be transferred to and assumed

11 by the new community school corporation of which they are a part,

12 regardless of whether the plan provides for transfer and assumption.

13 (c) The preliminary plan must be supported by a summary statement

14 of **the following:**

15 (1) The educational improvements the plan's adoption will make

16 possible.

17 (2) Data showing the:

18 (A) assessed valuation;

19 (B) number of resident students in ADA in grades 1 through

20 12;

21 (C) assessed valuation per student referred to in clause (B);

22 and

23 (D) property tax levies;

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

25 (3) The:

26 (A) assessed valuation;

27 (B) resident ADA; and

28 (C) assessed valuation per student;

29 data referred to in subdivision 2(A) through 2(C) that would have

30 applied for each proposed community school corporation if the

31 corporation existed in the year the preliminary plan is prepared or

32 notice of a hearing or hearings on the preliminary plan is given by

33 the county committee. ~~and~~

34 (4) Any other data or information the county committee considers

35 appropriate or that may be required by the state board in its rules.

36 (d) The county committee:

37 (1) shall base the assessed valuations and tax levies referred to in

38 subsection (c)(2) through (c)(3) on the valuations applying to

39 taxes collected in:

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

41 (B) the year notice of a hearing or hearings on the preliminary

42 plan is given by the county committee;

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- 1 (2) may base the resident ADA figures on the calculation of the
- 2 figures under the rules under which they are submitted to the state
- 3 superintendent by existing school corporations; and
- 4 (3) shall set out the resident ADA figures for:
  - 5 (A) the school year in progress if the figures are available for
  - 6 that year; or
  - 7 (B) the immediately preceding school year if the figures are
  - 8 not available for the school year in progress.

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

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

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

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

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

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

42 (b) **If a plan provides for election of members of the governing**

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1 body, the members of the governing body shall be elected at a  
 2 general election. Each candidate must, in accordance with  
 3 IC 3-8-2.5, file a petition of nomination that is signed by the  
 4 candidate and by ten (10) registered voters residing within the  
 5 boundaries of the community school corporation. The filing must  
 6 be made within the time specified by IC 3-8-2.5-4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 minutes of the metropolitan board of education, and the minutes shall  
2 be kept in the superintendent's office. When a metropolitan school  
3 district is formed, the metropolitan superintendent shall act as  
4 administrator of the board and shall carry out the acts and duties as  
5 designated by the board. A quorum consists of a majority of the  
6 members of the board. A quorum is required for the transaction of  
7 business. The vote of a majority of those present is required for a:

- 8 (1) motion;
- 9 (2) ordinance; or
- 10 (3) resolution;

11 to pass.

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

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

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

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

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

41 **(c) Nominees for the board shall be listed on the general election  
42 ballot:**

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

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

9           (d) The precinct election boards in each county serving at the  
 10          general election shall conduct the election for school board  
 11          members.

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

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

18               (1) the number of candidates elected is the greatest number  
 19               that may be elected from the board member district;  
 20               (2) the candidates elected are those who, among the  
 21               candidates from the board member district, receive the most  
 22               votes; and  
 23               (3) the other candidates from the board member district are  
 24               eliminated.

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

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

36               (1) appointing a person from the board member district from  
 37               which the person who vacated the board was elected; or  
 38               (2) if the person was appointed, appointing a person from the  
 39               board member district from which the last elected  
 40               predecessor of the person was elected.

41          **If a majority of the remaining members of the board is unable to**  
 42          **agree or the board fails to act within thirty (30) days after a**

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1 vacancy occurs, the judge of the circuit court in the county where  
2 the majority of registered voters of the metropolitan school district  
3 reside shall make the appointment.

4 (i) A successor to a board member appointed under subsection  
5 (h) shall be elected at a general election held on the earlier of the  
6 following:

7 (1) More than sixty (60) days after an elected board member  
8 vacates membership on the board.

9 (2) Immediately before the end of the term for which the  
10 vacating member was elected.

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

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

30 SECTION 13. 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

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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

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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

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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

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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

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1 of the district provided in this chapter.

2 SECTION 14. 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.~~

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

23 (5) The limitations on:

24 (A) residence;

25 (B) term of office; and

26 (C) other qualifications;

27 required by members of the governing body.

28 (6) The time the plan takes effect.

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

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

37 SECTION 15. IC 20-23-8-21, AS ADDED BY P.L.1-2005,  
38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2011]: Sec. 21. An election may not be held under this chapter  
40 more than once each eighteen (18) months. A plan for a governing  
41 body may not be adopted more than once each six (6) years, except if  
42 **either of the following applies:**

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1           ~~(1)~~ **the plan only changes the time of voting for board members**  
2           ~~from the primary to the general election or from the general to the~~  
3           ~~primary election;~~  
4           ~~(2)~~ **(1)** A plan adopted is declared or held to be invalid by a  
5           binding judgment or order in a United States or an Indiana court  
6           that no appeal or further approval can be taken. ~~or~~  
7           ~~(3)~~ **(2)** The plan provides solely for changes in items specified in  
8           section 7(a)(5) of this chapter.  
9           SECTION 16. IC 20-23-10-8, AS ADDED BY P.L.1-2005,  
10          SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11          JULY 1, 2011]: Sec. 8. (a) The board members of a merged school  
12          corporation shall be elected at the first **primary general** election  
13          following the merged school corporation's creation, and vacancies shall  
14          be filled in accordance with IC 20-23-4-30.  
15          (b) Until the first election under subsection (a), the board of trustees  
16          of the merged school corporation consists of:  
17                (1) the members of the governing body of a school corporation in  
18                the county other than a school township; and  
19                (2) the township trustee of a school township in the county.  
20          (c) The first board of trustees shall select the name of the merged  
21          school corporation by a majority vote. The name may be changed by  
22          unanimous vote of the governing body of the merged school  
23          corporation.  
24          SECTION 17. IC 20-23-12-3, AS ADDED BY P.L.1-2005,  
25          SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26          JULY 1, 2011]: Sec. 3. (a) The governing body of the school  
27          corporation consists of seven (7) members elected as follows:  
28                (1) On a nonpartisan basis.  
29                (2) In a **primary general** election ~~held~~ in the county.  
30          (b) Six (6) of the members shall be elected from the school districts  
31          drawn under section 4 of this chapter. Each member:  
32                (1) is elected from the school district in which the member  
33                resides; and  
34                (2) upon election and in conducting the business of the governing  
35                body, represents the interests of the entire school corporation.  
36          (c) One (1) of the members elected:  
37                (1) is the at-large member of the governing body;  
38                (2) may reside in any of the districts drawn under section 4 of this  
39                chapter; and  
40                (3) upon election and in conducting the business of the governing  
41                body, represents the interests of the entire school corporation.  
42          SECTION 18. IC 20-23-12-8, AS ADDED BY P.L.1-2005,

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1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2011]: Sec. 8. (a) The term of each person elected to serve on  
 3 the governing body  
 4 ~~(1)~~ is four (4) years. ~~and~~  
 5 ~~(2)~~ begins

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

9 SECTION 19. IC 20-23-12-9, AS ADDED BY P.L.1-2005,  
 10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2011]: Sec. 9. The members are elected as follows:

12 (1) Three (3) of the members elected under section 3(b) of this  
 13 chapter are elected at the **primary general** election to be held in  
 14 ~~2008~~ **2012** and every four (4) years thereafter.

15 (2) Three (3) of the members elected under section 3(b) of this  
 16 chapter are elected at the **primary general** election to be held in  
 17 ~~2006~~ **2014** and every four (4) years thereafter.

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

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

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

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

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

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

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

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

4           SECTION 21. IC 20-23-13-2.1 IS ADDED TO THE INDIANA  
5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2011]: **Sec. 2.1. (a) As used in this section,**  
7 **"county election board" includes a board of elections and**  
8 **registration established under IC 3-6-5.2.**

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

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

- 18           **(1) The petition must be signed by at least two hundred (200)**  
19 **legal voters of the school corporation.**
- 20           **(2) Each petition may nominate only one (1) candidate.**
- 21           **(3) The number of petitions signed by a legal voter may not**  
22 **exceed the number of school trustees to be elected.**

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

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

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

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

38           **(g) Each voter may vote for as many candidates as there are**  
39 **members of the governing body to be elected.**

40           SECTION 22. IC 20-23-13-3, AS ADDED BY P.L.1-2005,  
41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2011]: **Sec. 3. The intent of this chapter is to provide that the**

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1 governing body of the school corporations to which it relates shall be  
2 elected as provided in:

- 3 (1) IC 20-23-4-27; ~~and IC 20-23-4-29 through~~  
4 (2) **IC 20-23-4-29.1;**  
5 (3) **IC 20-23-4-30; and**  
6 (4) IC 20-23-4-31;

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

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

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

- 19 (A) The name of the prospective candidate.  
20 (B) Whether the prospective candidate is a district candidate  
21 or an at-large candidate.  
22 (C) A certification that the prospective candidate meets the  
23 qualifications for candidacy imposed under this chapter.  
24 (D) The signatures of at least one hundred (100) registered  
25 voters residing in the school corporation.

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

- 27 (A) reside in the district; and  
28 (B) have resided in the district for at least the three (3) years  
29 immediately preceding the election.

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

- 31 (A) reside in the school corporation; and  
32 (B) have resided in the school corporation for at least the three  
33 (3) years immediately preceding the election.

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

- 36 (A) be a registered voter;  
37 (B) have been a registered voter for at least the three (3) years  
38 immediately preceding the election; and  
39 (C) be a high school graduate or have received a:  
40 (i) high school equivalency certificate; or  
41 (ii) state general educational development (GED) diploma  
42 under IC 20-20-6.

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- 1 (5) A prospective candidate may not:
- 2 (A) hold any other elective or appointive office; or
- 3 (B) have a pecuniary interest in any contract with the school
- 4 corporation or its governing body;
- 5 as prohibited by law.

6 SECTION 24. IC 20-23-14-8, AS ADDED BY P.L.1-2005,  
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2011]: Sec. 8. (a) The term of each person elected to serve on  
 9 the governing body

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

11 ~~(2)~~ begins

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

15 SECTION 25. IC 20-23-14-9, AS ADDED BY P.L.1-2005,  
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2011]: Sec. 9. The members are elected as follows:

18 (1) Three (3) of the members are elected at the **primary general**  
 19 election to be held in ~~2008~~ **2012** and every four (4) years  
 20 thereafter.

21 (2) Two (2) of the members are elected at the **primary general**  
 22 election to be held in ~~2006~~ **2014** and every four (4) years  
 23 thereafter.

24 SECTION 26. IC 20-25-3-4, AS AMENDED BY P.L.1-2006,  
 25 SECTION 322, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The board consists of seven  
 27 (7) members. A member:

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

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

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

35 (c) If a candidate runs for one (1) of the district positions on the  
 36 board, only eligible voters residing in the candidate's district may vote  
 37 for that candidate. If a person is a candidate for one (1) of the at-large  
 38 positions, eligible voters from all the districts may vote for that  
 39 candidate.

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

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

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

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

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

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

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

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

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

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

32 SECTION 27. IC 33-33-53-5, AS AMENDED BY P.L.2-2006,  
33 SECTION 183, IS AMENDED TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2011]: Sec. 5. In accordance with rules adopted  
35 by the judges of the court under section 6 of this chapter, the presiding  
36 judge shall do the following:

37 (1) Ensure that the court operates efficiently and judicially under  
38 rules adopted by the court.

39 (2) Annually submit to the fiscal body of Monroe County a budget  
40 for the court, including amounts necessary for:

41 (A) the operation of the circuit's probation department;

42 (B) the defense of indigents; and

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1 (C) maintaining an adequate law library.  
 2 (3) Make the appointments or selections required of a circuit or  
 3 superior court judge under the following statutes:  
 4 IC 8-4-21-2  
 5 IC 11-12-2-2  
 6 IC 16-22-2-4  
 7 IC 16-22-2-11  
 8 IC 16-22-7  
 9 IC 20-23-4  
 10 IC 20-23-7-6  
 11 ~~IC 20-23-7-8~~ **IC 20-23-7-8.1**  
 12 IC 20-26-7-8  
 13 IC 20-26-7-14  
 14 IC 20-47-2-15  
 15 IC 20-47-3-13  
 16 IC 36-9  
 17 IC 36-10  
 18 IC 36-12-10-10.  
 19 (4) Make appointments or selections required of a circuit or  
 20 superior court judge by any other statute, if the appointment or  
 21 selection is not required of the court because of an action before  
 22 the court.  
 23 SECTION 28. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 24 JULY 1, 2011]: IC 3-8-2-2.2; IC 20-23-4-29; IC 20-23-7-8;  
 25 IC 20-23-13-2.

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