

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 536 be amended to read as follows:

- 1 Page 3, between lines 30 and 31, begin a new paragraph and insert:
2 "SECTION 8. IC 3-8-2-2.2, AS AMENDED BY P.L.1-2005,
3 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 2.2. (a) A candidate for a school board office must
5 file a petition of nomination in accordance with IC 3-8-6 and as
6 required under IC 20-23-12, IC 20-23-14, **IC 20-23-17**, or IC 20-23-4.
7 The petition of nomination, once filed, serves as the candidate's
8 declaration of candidacy for a school board office.
9 (b) A candidate for a school board office is not required to file a
10 statement of organization for the candidate's principal committee by
11 noon seven (7) days after the final date for filing a petition of
12 nomination or declaration of intent to be a write-in candidate unless the
13 candidate has received contributions or made expenditures requiring
14 the filing of a statement under IC 3-9-1-5.5."
15 Page 23, between lines 6 and 7, begin a new paragraph and insert:
16 "SECTION 37. IC 5-9-4-8, AS AMENDED BY P.L.1-2005,
17 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2011]: Sec. 8. (a) Except as provided in subsection (b), during
19 the officeholder's leave of absence, the officeholder's office must be
20 filled by a temporary appointment made under:
21 (1) IC 3-13-4;
22 (2) IC 3-13-5;
23 (3) IC 3-13-6;
24 (4) IC 3-13-7;
25 (5) IC 3-13-8;
26 (6) IC 3-13-9;
27 (7) IC 3-13-10;
28 (8) IC 3-13-11;
29 (9) IC 20-23-4;
30 (10) IC 20-26;

- 1 (11) IC 20-23-12;
 2 (12) IC 20-23-14;
 3 (13) IC 20-23-15;
 4 **(14) IC 20-23-17;**
 5 ~~(14)~~ **(15)** IC 20-25-3;
 6 ~~(15)~~ **(16)** IC 20-25-4; or
 7 ~~(16)~~ **(17)** IC 20-25-5;
 8 in the same manner as a vacancy created by a resignation is filled.
 9 (b) For an officeholder who:
 10 (1) is:
 11 (A) a justice of the supreme court, a judge of the court of
 12 appeals, or a judge of the tax court; or
 13 (B) a judge of a circuit, city, county, probate, or superior court;
 14 and
 15 (2) is taking a leave of absence under this chapter;
 16 the supreme court shall appoint a judge pro tempore to fill the
 17 officeholder's office in accordance with the court's rules and
 18 procedures.
 19 (c) The person selected or appointed under subsection (a) or (b)
 20 serves until the earlier of:
 21 (1) the date the officeholder's leave of absence ends as provided
 22 in section 10 of this chapter; or
 23 (2) the officeholder's term of office expires.
 24 (d) The person selected or appointed to an office under subsection
 25 (a) or (b):
 26 (1) assumes all the rights and duties of; and
 27 (2) is entitled to the compensation established for;
 28 the office for the period of the temporary appointment.
 29 SECTION 38. IC 20-23-8-5, AS ADDED BY P.L.1-2005,
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2011]: Sec. 5. As used in this chapter, "school corporation"
 32 means a local public school corporation established under the laws of
 33 Indiana. The term does not include a school township or a school
 34 corporation covered by IC 20-23-12 or **IC 20-23-17**.
 35 SECTION 39. IC 20-23-17 IS ADDED TO THE INDIANA CODE
 36 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2011]:
 38 **Chapter 17. Election of School Board Members in East Chicago**
 39 **Sec. 1. This chapter applies to a school corporation located in a**
 40 **city that has a population of more than thirty-two thousand**
 41 **(32,000) but less than thirty-two thousand eight hundred (32,800).**
 42 **Sec. 2. IC 20-23-8 does not apply to a school corporation or the**
 43 **governing body of a school corporation governed by this chapter.**
 44 **Sec. 3. (a) The governing body of the school corporation consists**
 45 **of nine (9) members who shall be elected as follows:**
 46 **(1) One (1) member shall be elected from each of the school**

- 1 districts described in section 4 of this chapter. A member
 2 elected under this subdivision must reside within the
 3 boundaries of the district the member represents.
- 4 (2) Three (3) members, who must reside within the boundaries
 5 of the school corporation, shall be elected as at-large
 6 members.
- 7 (3) All members shall be elected on a nonpartisan basis.
- 8 (4) All members shall be elected at the primary election held
 9 in the county in 2012 and each four (4) years thereafter.
- 10 (b) Upon assuming office and in conducting the business of the
 11 governing body, a member shall represent the interests of the
 12 entire school corporation.
- 13 **Sec. 4. The boundaries of the districts from which members of**
 14 **the governing body of the school corporation are elected under**
 15 **section 3(a)(1) of this chapter are the same as the boundaries of the**
 16 **common council districts of the city that are drawn under**
 17 **IC 36-4-6.**
- 18 **Sec. 5. (a) The following apply to an election of members of the**
 19 **governing body of the school corporation to represent a district**
 20 **under section 3(a)(1) of this chapter:**
- 21 (1) Each candidate must file a petition of nomination with the
 22 circuit court clerk not later than seventy-four (74) days before
 23 the election at which members are to be elected. The petition
 24 of nomination must include the following information:
- 25 (A) The name of the candidate.
- 26 (B) The candidate's residence address and the district in
 27 which the candidate resides.
- 28 (C) The signatures of at least twenty (20) registered voters
 29 residing within the school corporation district the
 30 candidate seeks to represent.
- 31 (D) A certification that the candidate meets the
 32 qualifications for candidacy imposed by this chapter.
- 33 (2) Only eligible voters residing in the school corporation
 34 district may vote for a candidate to represent that district.
- 35 (3) One (1) candidate shall be elected for each district. The
 36 candidate elected for a district must reside within the
 37 boundaries of the district. The candidate elected as the
 38 member for a particular district is the candidate who, among
 39 all the candidates who reside within that district, receives the
 40 greatest number of votes from voters residing in that district.
- 41 (b) The following apply to an election of the members of the
 42 governing body of the school corporation at large under section
 43 3(a)(2) of this chapter:
- 44 (1) Each candidate must file a petition of nomination with the
 45 circuit court clerk not later than seventy-four (74) days before
 46 the election at which members are to be elected. The petition
 47 of nomination must include the following information:

- 1 (A) The name of the candidate.
- 2 (B) The candidate's residence address.
- 3 (C) The signatures of at least one hundred (100) registered
- 4 voters residing within the school corporation.
- 5 (D) A certification that the candidate meets the
- 6 qualifications for candidacy imposed by this chapter.
- 7 (2) Only eligible voters residing in the school corporation may
- 8 vote for a candidate.
- 9 (3) Three (3) candidates shall be elected at large. The three (3)
- 10 candidates who receive the greatest number of votes among
- 11 all candidates running for an at-large seat are elected as
- 12 members of the governing body.

13 **Sec. 6. Voters who reside within the boundaries of the school**
 14 **corporation may vote for the candidates. Each voter may vote only**
 15 **for:**

- 16 (1) one (1) candidate to represent the district in which the
- 17 voter resides; and
- 18 (2) three (3) at-large candidates.

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

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

26 **Sec. 9. The members of the governing body of the school**
 27 **corporation shall be elected at the primary election to be held in**
 28 **2012 and every four (4) years thereafter.**

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

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

- 37 (1) A list containing the names and addresses of each member
- 38 of the governing body of the school corporation and the date
- 39 of the expiration of each member's term of office.
- 40 (2) A list containing the names and addresses of each of the
- 41 school corporation's officers and the date of the expiration of
- 42 each officer's term of office.

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

46 **Sec. 12. (a) Notwithstanding any other law, the terms of the**
 47 **members of the governing body of the East Chicago school**

- 1 **corporation who hold office on June 30, 2012, expire July 1, 2012.**
- 2 **(b) On July 1, 2012, all powers, duties, and functions adhering**
- 3 **to the governing body of the school corporation in existence on**
- 4 **June 30, 2012, are transferred to the governing body established**
- 5 **under this chapter.**
- 6 **(c) On July 1, 2012, the property and records of the governing**
- 7 **body of the school corporation in existence on June 30, 2012, are**
- 8 **transferred to the governing body established under this chapter.**
- 9 **(d) This section expires July 1, 2016."**
- 10 Renumber all SECTIONS consecutively.
 (Reference is to SB 536 as printed February 16, 2011.)

Senator KRUSE