

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Elections, to which was referred House Bill No. 1074, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 2, between lines 8 and 9, begin a new paragraph and insert:  
2           "SECTION 2. 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, IC 20-23-17.2,**  
7           or IC 20-23-4. The petition of nomination, once filed, serves as the  
8           candidate's 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 7, between lines 8 and 9, begin a new paragraph and insert:  
16          "SECTION 9. 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

- 1 filled by a temporary appointment made under:
- 2 (1) IC 3-13-4;
- 3 (2) IC 3-13-5;
- 4 (3) IC 3-13-6;
- 5 (4) IC 3-13-7;
- 6 (5) IC 3-13-8;
- 7 (6) IC 3-13-9;
- 8 (7) IC 3-13-10;
- 9 (8) IC 3-13-11;
- 10 (9) IC 20-23-4;
- 11 (10) IC 20-26;
- 12 (11) IC 20-23-12;
- 13 (12) IC 20-23-14;
- 14 (13) IC 20-23-15;
- 15 **(14) IC 20-23-17;**
- 16 **(15) IC 20-23-17.2;**
- 17 ~~(14)~~ **(16) IC 20-25-3;**
- 18 ~~(15)~~ **(17) IC 20-25-4;** or
- 19 ~~(16)~~ **(18) IC 20-25-5;**
- 20 in the same manner as a vacancy created by a resignation is filled.
- 21 (b) For an officeholder who:
- 22 (1) is:
- 23 (A) a justice of the supreme court, a judge of the court of
- 24 appeals, or a judge of the tax court; or
- 25 (B) a judge of a circuit, city, county, probate, or superior court;
- 26 and
- 27 (2) is taking a leave of absence under this chapter;
- 28 the supreme court shall appoint a judge pro tempore to fill the
- 29 officeholder's office in accordance with the court's rules and
- 30 procedures.
- 31 (c) The person selected or appointed under subsection (a) or (b)
- 32 serves until the earlier of:
- 33 (1) the date the officeholder's leave of absence ends as provided
- 34 in section 10 of this chapter; or
- 35 (2) the officeholder's term of office expires.
- 36 (d) The person selected or appointed to an office under subsection
- 37 (a) or (b):
- 38 (1) assumes all the rights and duties of; and

1 (2) is entitled to the compensation established for;  
 2 the office for the period of the temporary appointment."

3 Page 19, between lines 39 and 40, begin a new paragraph and insert:

4 "SECTION 16. IC 20-23-8-5, AS ADDED BY P.L.1-2005,  
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2011]: Sec. 5. As used in this chapter, "school corporation"  
 7 means a local public school corporation established under the laws of  
 8 Indiana. The term does not include a school township or a school  
 9 corporation covered by IC 20-23-12, **IC 20-23-17, or IC 20-23-17.2.**"

10 Page 26, between lines 6 and 7, begin a new paragraph and insert:

11 "SECTION 30. IC 20-23-17 IS ADDED TO THE INDIANA CODE  
 12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2011]:

14 **Chapter 17. Election of Members of the Governing Body of the**  
 15 **School City of Mishawaka**

16 **Sec. 1. This chapter applies to a school corporation:**

17 **(1) located in a city that has a population of more than**  
 18 **forty-six thousand five hundred (46,500) but less than fifty**  
 19 **thousand eight hundred (50,800); and**

20 **(2) for which a referendum has been held:**

21 **(A) as required by statute; and**

22 **(B) in which a majority of the votes cast approves choosing**  
 23 **the members of the governing body as provided in this**  
 24 **chapter.**

25 **Sec. 2. IC 20-23-8 does not apply to a school corporation or the**  
 26 **governing body of a school corporation governed by this chapter.**

27 **Sec. 3. (a) The governing body of the school corporation consists**  
 28 **of five (5) members chosen as follows:**

29 **(1) Three (3) members shall be elected by the voters of the**  
 30 **school corporation at a general election to be held in the**  
 31 **county and every four (4) years thereafter.**

32 **(2) One (1) member shall be appointed by the city executive.**

33 **(3) One (1) member shall be appointed by the city legislative**  
 34 **body.**

35 **(b) The members elected under subsection (a)(1) shall be elected**  
 36 **as follows:**

37 **(1) On a nonpartisan basis.**

38 **(2) In a general election held in the county.**

- 1           **(3) By the registered voters of the entire school corporation.**
- 2           **(c) The following apply to an election of members of the**
- 3 **governing body of the school corporation under subsection (a)(1):**
- 4           **(1) Each candidate must file a petition of nomination with the**
- 5 **circuit court clerk not later than seventy-four (74) days before**
- 6 **the election at which members are to be elected. The petition**
- 7 **of nomination must include the following information:**
- 8           **(A) The name of the candidate.**
- 9           **(B) A certification that the candidate meets the**
- 10 **qualifications for candidacy imposed by this chapter.**
- 11           **(2) Only eligible voters residing in the school corporation may**
- 12 **vote for a candidate seeking election.**
- 13           **Sec. 4. The term of each individual chosen to serve on the**
- 14 **governing body is four (4) years, beginning January 1 following the**
- 15 **individual's election or appointment.**
- 16           **Sec. 5. Upon assuming office and in conducting the business of**
- 17 **the governing body, a member shall represent the interests of the**
- 18 **entire school corporation.**
- 19           **Sec. 6. (a) A vacancy in the office of an elected member of the**
- 20 **governing body shall be filled temporarily by the city legislative**
- 21 **body as soon as practicable after the vacancy occurs.**
- 22           **(b) A vacancy in the office of an appointed member of the**
- 23 **governing body of the school corporation shall be filled by the**
- 24 **appointing authority that appointed the member whose office is**
- 25 **vacant.**
- 26           **(c) An individual filling a vacancy under this section serves until**
- 27 **the expiration of the term of the member whose position the**
- 28 **individual fills.**
- 29           **Sec. 7. (a) Before August 1 of each year, the school corporation**
- 30 **shall file with the state superintendent the following information:**
- 31           **(1) A list containing the names and addresses of each member**
- 32 **of the governing body and the date of the expiration of each**
- 33 **member's term of office.**
- 34           **(2) A list containing the names and addresses of each of the**
- 35 **school corporation's officers and the date of the expiration of**
- 36 **each officer's term of office.**
- 37           **(b) The school corporation shall notify the state superintendent**
- 38 **of any change in the information previously filed under subsection**

1 (a) not later than thirty (30) days after the change occurs.

2 Sec. 8. (a) This section applies if the voters of the school  
3 corporation approve choosing the members of the governing body  
4 under this chapter in a referendum described in section 1 of this  
5 chapter.

6 (b) This subsection applies to the appointed member of the  
7 governing body whose term expires December 31, 2011. Before  
8 December 31, 2011, the city legislative body shall appoint the  
9 successor of this member for a term that expires January 1, 2013.  
10 The successors of the member appointed under this subsection  
11 shall:

12 (1) be elected at the 2012 general election and every four (4)  
13 years thereafter as provided in section 3(a)(1) of this chapter;  
14 and

15 (2) take office as provided in section 4 of this chapter.

16 (c) This subsection applies to the appointed member of the  
17 governing body whose term expires December 31, 2012. The  
18 successors of the member described in this subsection shall:

19 (1) be elected at the 2012 general election and every four (4)  
20 years thereafter as provided in section 3(a)(1) of this chapter;  
21 and

22 (2) take office as provided in section 4 of this chapter.

23 (d) This subsection applies to the appointed member of the  
24 governing body whose term expires December 31, 2013. The  
25 successors of this member shall be appointed by the city legislative  
26 body as provided in section 3(a)(3) of this chapter and take office  
27 as provided in section 4 of this chapter.

28 (e) The appointed members of the governing body whose terms  
29 expire December 31, 2014, may serve as members of the governing  
30 body under this chapter for the remainder of their appointed  
31 terms. The successors of these members shall be chosen as follows:

32 (1) One (1) member shall:

33 (A) be elected at the 2014 general election and every four  
34 (4) years thereafter as provided in section 3(a)(1) of this  
35 chapter; and

36 (B) take office as provided in section 4 of this chapter.

37 (2) One (1) member shall be appointed by the city executive as  
38 provided in section 3(a)(2) of this chapter and take office as

1           **provided in section 4 of this chapter.**

2           **(f) On January 1, 2013, all powers, duties, and functions**  
 3 **adhering to the appointed governing body of the school**  
 4 **corporation in existence on December 31, 2012, are transferred to**  
 5 **the governing body established by this chapter.**

6           **(g) On January 1, 2013, the property and records of the**  
 7 **appointed governing body of the school corporation in existence on**  
 8 **December 31, 2012, are transferred to the governing body**  
 9 **established by this chapter.**

10           SECTION 31. IC 20-23-17.2 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2011]:

13           **Chapter 17.2. Election of School Board Members in East**  
 14 **Chicago**

15           **Sec. 1. This chapter applies to a school corporation located in a**  
 16 **city that has a population of more than thirty-two thousand**  
 17 **(32,000) but less than thirty-two thousand eight hundred (32,800).**

18           **Sec. 2. IC 20-23-8 does not apply to a school corporation or the**  
 19 **governing body of a school corporation governed by this chapter.**

20           **Sec. 3. (a) The governing body of the school corporation consists**  
 21 **of nine (9) members who shall be elected as follows:**

22                   **(1) One (1) member shall be elected from each of the school**  
 23 **districts described in section 4 of this chapter. A member**  
 24 **elected under this subdivision must reside within the**  
 25 **boundaries of the district the member represents.**

26                   **(2) Three (3) members, who must reside within the boundaries**  
 27 **of the school corporation, shall be elected as at-large**  
 28 **members.**

29                   **(3) All members shall be elected on a nonpartisan basis.**

30                   **(4) All members shall be elected at the general election held in**  
 31 **the county in 2012 and each four (4) years thereafter.**

32           **(b) Upon assuming office and in conducting the business of the**  
 33 **governing body, a member shall represent the interests of the**  
 34 **entire school corporation.**

35           **Sec. 4. The boundaries of the districts from which members of**  
 36 **the governing body of the school corporation are elected under**  
 37 **section 3(a)(1) of this chapter are the same as the boundaries of the**  
 38 **common council districts of the city that are drawn under**

1 **IC 36-4-6.**

2 **Sec. 5. (a) The following apply to an election of members of the**  
3 **governing body of the school corporation under section 3(a)(1) of**  
4 **this chapter:**

5 **(1) Each candidate must file a petition of nomination with the**  
6 **circuit court clerk not later than seventy-four (74) days before**  
7 **the general election at which members are to be elected. The**  
8 **petition of nomination must include the following**  
9 **information:**

10 **(A) The name of the candidate.**

11 **(B) The candidate's residence address and the district in**  
12 **which the candidate resides.**

13 **(C) The signatures of at least twenty (20) registered voters**  
14 **residing within the school corporation district the**  
15 **candidate seeks to represent.**

16 **(D) A certification that the candidate meets the**  
17 **qualifications for candidacy imposed by this chapter.**

18 **(2) Only eligible voters residing in the school corporation**  
19 **district may vote for a candidate to represent that district.**

20 **(3) One (1) candidate shall be elected for each district. The**  
21 **candidate elected for a district must reside within the**  
22 **boundaries of the district. The candidate elected as the**  
23 **member for a particular district is the candidate who, among**  
24 **all the candidates who reside within that district, receives the**  
25 **greatest number of votes from voters residing in that district.**

26 **(b) The following apply to an election of the members of the**  
27 **governing body of the school corporation under section 3(a)(2) of**  
28 **this chapter:**

29 **(1) Each candidate must file a petition of nomination with the**  
30 **circuit court clerk not later than seventy-four (74) days before**  
31 **the general election at which members are to be elected. The**  
32 **petition of nomination must include the following**  
33 **information:**

34 **(A) The name of the candidate.**

35 **(B) The candidate's residence address.**

36 **(C) The signatures of at least one hundred (100) registered**  
37 **voters residing within the school corporation.**

38 **(D) A certification that the candidate meets the**

- 1                   **qualifications for candidacy imposed by this chapter.**
- 2                   **(2) Only eligible voters residing in the school corporation may**
- 3                   **vote for a candidate.**
- 4                   **(3) Three (3) candidates shall be elected at large. The three (3)**
- 5                   **candidates who receive the greatest number of votes among**
- 6                   **all candidates running for an at-large seat are elected as**
- 7                   **members of the governing body.**
- 8                   **Sec. 6. Voters who reside within the boundaries of the school**
- 9                   **corporation may vote for the candidates elected under section 3 of**
- 10                  **this chapter. Each voter may vote only for:**
- 11                  **(1) one (1) candidate to represent the district in which the**
- 12                  **voter resides; and**
- 13                  **(2) three (3) at-large candidates.**
- 14                  **Sec. 7. The state board, with assistance from the county election**
- 15                  **board, shall establish balloting procedures under IC 3 for the**
- 16                  **election and all other procedures required to implement this**
- 17                  **chapter.**
- 18                  **Sec. 8. The term of each person elected to serve on the governing**
- 19                  **body of the school corporation is four (4) years, beginning January**
- 20                  **1 following the election.**
- 21                  **Sec. 9. The members of the governing body of the school**
- 22                  **corporation shall be elected at the general election to be held in**
- 23                  **2012 and every four (4) years thereafter.**
- 24                  **Sec. 10. A vacancy in the office of a member of the governing**
- 25                  **body of the school corporation shall be filled temporarily by the**
- 26                  **governing body as soon as practicable after the vacancy occurs. An**
- 27                  **individual filling a vacancy under this section serves until the**
- 28                  **expiration of the term of the member whose position the individual**
- 29                  **fills.**
- 30                  **Sec. 11. (a) Before August 1 of each year, the school corporation**
- 31                  **shall file with the state superintendent the following information:**
- 32                  **(1) A list containing the names and addresses of each member**
- 33                  **of the governing body of the school corporation and the date**
- 34                  **of the expiration of each member's term of office.**
- 35                  **(2) A list containing the names and addresses of each of the**
- 36                  **school corporation's officers and the date of the expiration of**
- 37                  **each officer's term of office.**
- 38                  **(b) The school corporation shall notify the state superintendent**

1 of any change in the information previously filed under subsection  
2 (a) not later than thirty (30) days after the change occurs.

3 Sec. 12. (a) Notwithstanding any other law, the terms of the  
4 members of the governing body of the school corporation who hold  
5 office on December 31, 2012, expire January 1, 2013.

6 (b) On January 1, 2013, all powers, duties, and functions  
7 adhering to the governing body of the school corporation in  
8 existence on December 31, 2012, are transferred to the governing  
9 body established under this chapter.

10 (c) On January 1, 2013, the property and records of the  
11 governing body of the school corporation in existence on December  
12 31, 2012, are transferred to the governing body established under  
13 this chapter.

14 (d) This section expires July 1, 2016."

15 Page 28, delete lines 9 through 23, begin a new paragraph and  
16 insert:

17 "SECTION 35. [EFFECTIVE JULY 1, 2011] (a) The St. Joseph  
18 County county election board shall place the following public  
19 question on the November 2011 municipal election ballot in the city  
20 of Mishawaka in St. Joseph County:

21 "Should the members of the governing body of the School  
22 City of Mishawaka be chosen as provided in IC 20-23-17?".

23 (b) The county election board shall tabulate the votes cast on the  
24 public question described in this SECTION and certify the results  
25 under IC 3-12-4-9. The circuit court clerk shall send a copy of the  
26 certification required by this subsection to the department of  
27 education.

28 (c) IC 3 applies to the public question placed on the ballot under  
29 this SECTION to the extent IC 3 is not inconsistent with this

- 1       **SECTION.**
- 2       **(d) This SECTION expires July 1, 2012."**
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1074 as reprinted March 30, 2011.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 8, Nays 1.

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**Landske**

**Chairperson**