

# SENATE BILL No. 162

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-23-17.2.

**Synopsis:** East Chicago school board. Establishes the governing body of the East Chicago school corporation consisting of five members: (1) one member appointed by the city executive; (2) one member appointed by the city legislative body; and (3) three members elected at-large by the voters of the school corporation. Provides that the terms of the members are for four years and begin on January 1 after an election or appointment. Provides for staggered terms. Repeals provisions establishing a nine member governing body with six members elected from the same districts as members of the city common council.

**Effective:** July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Elections.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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# SENATE BILL No. 162



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

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

1 SECTION 1. IC 20-23-17.2-3 IS REPEALED [EFFECTIVE JULY  
2 1, 2012]. Sec. 3: (a) The governing body of the school corporation  
3 consists of nine (9) members who shall be elected as follows:  
4 (1) One (1) member shall be elected from each of the school  
5 districts described in section 4 of this chapter. A member elected  
6 under this subdivision must reside within the boundaries of the  
7 district the member represents.  
8 (2) Three (3) members, who must reside within the boundaries of  
9 the school corporation, shall be elected as at-large members.  
10 (3) All members shall be elected on a nonpartisan basis.  
11 (4) All members shall be elected at the general election held in  
12 the county in 2012 and each four (4) years thereafter.  
13 (b) Upon assuming office and in conducting the business of the  
14 governing body, a member shall represent the interests of the entire  
15 school corporation.  
16 SECTION 2. IC 20-23-17.2-3.5 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. (a) The governing body of the**  
 2 **school corporation consists of five (5) members chosen as follows:**

3 **(1) Three (3) members shall be elected by the voters of the**  
 4 **school corporation.**

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

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

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

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

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

12 **(3) By the registered voters of the entire school corporation.**

13 **(c) A person appointed or elected under subsection (a) shall**  
 14 **reside within the boundaries of the school corporation.**

15 **(d) Upon assuming office and in conducting the business of the**  
 16 **governing body, a member shall represent the interests of the**  
 17 **entire school corporation.**

18 SECTION 3. IC 20-23-17.2-4 IS REPEALED [EFFECTIVE JULY  
 19 1, 2012]. Sec. 4: The boundaries of the districts from which members  
 20 of the governing body of the school corporation are elected under  
 21 section 3(a)(1) of this chapter are the same as the boundaries of the  
 22 common council districts of the city that are drawn under IC 36-4-6.

23 SECTION 4. IC 20-23-17.2-5, AS ADDED BY P.L.179-2011,  
 24 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2012]: Sec. 5. (a) The following apply to an election of  
 26 members of the governing body of the school corporation under section  
 27 3(a)(1) of this chapter:

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

32 **(A) The name of the candidate;**

33 **(B) The candidate's residence address and the district in which**  
 34 **the candidate resides;**

35 **(C) The signatures of at least twenty (20) registered voters**  
 36 **residing within the school corporation district the candidate**  
 37 **seeks to represent;**

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

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

42 **(3) One (1) candidate shall be elected for each district. The**

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1 candidate elected for a district must reside within the boundaries  
 2 of the district. The candidate elected as the member for a  
 3 particular district is the candidate who, among all the candidates  
 4 who reside within that district, receives the greatest number of  
 5 votes from voters residing in that district.

6 ~~(b)~~ The following apply to an election of the members of the  
 7 governing body of the school corporation under section ~~3(a)(2)~~  
 8 **3.5(a)(1)** of this chapter:

9 (1) Each candidate must file a petition of nomination with the  
 10 circuit court clerk not later than seventy-four (74) days before the  
 11 general election at which ~~members are~~ **a member is** to be elected.  
 12 The petition of nomination must include the following  
 13 information:

14 (A) The name of the candidate.

15 (B) The candidate's residence address.

16 (C) The signatures of at least one hundred (100) registered  
 17 voters residing within the school corporation.

18 (D) A certification that the candidate meets the qualifications  
 19 for candidacy imposed by this chapter.

20 (2) Only eligible voters residing in the school corporation may  
 21 vote for a candidate.

22 ~~Three (3)~~ Candidates shall be elected at large. ~~The three (3)~~  
 23 ~~candidates who receive the greatest number of votes among all~~  
 24 ~~candidates running for an at-large seat are elected as members of~~  
 25 ~~the governing body. Candidates receiving the greatest number~~  
 26 ~~of votes for the offices to be elected are elected.~~

27 SECTION 5. IC 20-23-17.2-6 IS REPEALED [EFFECTIVE JULY  
 28 1, 2012]. Sec. 6: Voters who reside within the boundaries of the school  
 29 corporation may vote for the candidates elected under section 3 of this  
 30 chapter. Each voter may vote only for:

31 ~~(1) one (1) candidate to represent the district in which the voter~~  
 32 ~~resides; and~~

33 ~~(2) three (3) at-large candidates.~~

34 SECTION 6. IC 20-23-17.2-8, AS ADDED BY P.L.179-2011,  
 35 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2012]: Sec. 8. The term of each person **appointed or** elected  
 37 to serve on the governing body of the school corporation is four (4)  
 38 years, beginning January 1 following the **appointment or** election.

39 SECTION 7. IC 20-23-17.2-9, AS ADDED BY P.L.179-2011,  
 40 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2012]: Sec. 9. **(a)** The members of the governing body of the  
 42 school corporation **who are to be elected** shall be elected at the

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1 general election to be held in 2012. and every four (4) years thereafter.  
 2 **(b) The candidate having the greatest number of votes and the**  
 3 **candidate having the second greatest number of votes at the**  
 4 **general election to be held in 2012 shall be elected as members of**  
 5 **the governing body of the school corporation for terms that expire**  
 6 **on January 1, 2017. The successors of the members shall:**  
 7 **(1) be elected at the general election to be held in 2016 and**  
 8 **every four (4) years thereafter; and**  
 9 **(2) take office as provided in section 8 of this chapter.**  
 10 **(c) The candidate having the third greatest number of votes at**  
 11 **the general election to be held in 2012 shall be elected as a member**  
 12 **of the governing body of the school corporation for a term that**  
 13 **expires on January 1, 2015. The successor of the member shall:**  
 14 **(1) be elected at the general election to be held in 2014 and**  
 15 **every four (4) years thereafter; and**  
 16 **(2) take office as provided in section 8 of this chapter.**  
 17 **(d) This subsection applies to a member appointed under section**  
 18 **3.5(a)(2) of this chapter. Before December 31, 2012, the city**  
 19 **executive shall appoint the member who shall serve a term that**  
 20 **expires on January 1, 2015. The successor of the member shall**  
 21 **thereafter:**  
 22 **(1) be appointed as provided in section 3.5(a)(2) of this**  
 23 **chapter; and**  
 24 **(2) take office as provided in section 8 of this chapter.**  
 25 **(e) This subsection applies to a member appointed under section**  
 26 **3.5(a)(3) of this chapter. Before December 31, 2012, the city**  
 27 **legislative body shall appoint the member who shall serve a term**  
 28 **that expires on January 1, 2017. The successor of the member shall**  
 29 **thereafter:**  
 30 **(1) be appointed as provided in section 3.5(a)(3) of this**  
 31 **chapter; and**  
 32 **(2) take office as provided in section 8 of this chapter.**  
 33 SECTION 8. IC 20-23-17.2-10, AS ADDED BY P.L.179-2011,  
 34 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2012]: Sec. 10. **(a) A vacancy in the office of a an elected**  
 36 **member of the governing body of the school corporation shall be filled**  
 37 **temporarily by the governing body as soon as practicable after the**  
 38 **vacancy occurs.**  
 39 **(b) A vacancy in the office of an appointed member of the**  
 40 **governing body of the school corporation shall be filled as soon as**  
 41 **practicable after the vacancy occurs by the appointing authority**  
 42 **that appointed the member whose office is vacant.**

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1           (c) An individual filling a vacancy under this section serves until the  
 2 expiration of the term of the member whose position the individual  
 3 fills.  
 4           SECTION 9. IC 20-23-17.2-12, AS ADDED BY P.L.179-2011,  
 5 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2012]: Sec. 12. (a) Notwithstanding any other law, the terms  
 7 of the members of the governing body of the school corporation who  
 8 hold office on December 31, 2012, expire January 1, 2013. **The**  
 9 **successors of the members shall be appointed and elected as**  
 10 **provided in section 9 of this chapter.**  
 11           (b) On January 1, 2013, all powers, duties, and functions adhering  
 12 to the governing body of the school corporation in existence on  
 13 December 31, 2012, are transferred to the governing body established  
 14 under this chapter.  
 15           (c) On January 1, 2013, the property and records of the governing  
 16 body of the school corporation in existence on December 31, 2012, are  
 17 transferred to the governing body established under this chapter.  
 18           (d) This section expires July 1, 2016.

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