

Adopted	Rejected
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COMMITTEE REPORT

YES: 11
NO: 0

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred House Bill 1157, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, delete lines 3 through 34, begin a new paragraph and insert:
- 2 "SECTION 3. IC 3-5-4-11, AS ADDED BY P.L.179-2011,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 11. (a) As used in this
- 5 section, "governing body" refers to the governing body of a school
- 6 corporation subject to any of the following:
- 7 (1) IC 20-23-4-30.
- 8 (2) IC 20-23-7-8 (before its repeal on July 1, 2011) and
- 9 IC 20-23-7-8.1 (after June 30, 2011).
- 10 (3) IC 20-23-8-8.
- 11 (4) IC 20-23-10-8.
- 12 (5) IC 20-23-12.
- 13 (6) IC 20-23-13.
- 14 (7) IC 20-23-14.

1 (8) IC 20-25-3-4.

2 (b) This subsection applies to a member of a governing body elected
3 at the 2008 primary election. The successor of such a member shall:

- 4 (1) be elected at the 2012 general election; and
5 (2) take office **on the date set in the school corporation's
6 organization plan. The date set in the organization plan for an
7 elected member of the governing body to take office may not
8 be more than fourteen (14) months after the date of the
9 member's election. If the school corporation's organization
10 plan does not set a date for an elected member of the
11 governing body to take office, the member takes office January
12 1, 2013.**

13 (c) This subsection applies to a member of a governing body elected
14 at the 2010 primary election. The successor of such a member shall:

- 15 (1) be elected at the 2014 general election; and
16 (2) take office **on the date set in the school corporation's
17 organization plan. The date set in the organization plan for an
18 elected member of the governing body to take office may not
19 be more than fourteen (14) months after the date of the
20 member's election. If the school corporation's organization
21 plan does not set a date for an elected member of the
22 governing body to take office, the member takes office January
23 1, 2015.**

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

25 Page 11, between lines 7 and 8, begin a new paragraph and insert:

26 "SECTION 21. IC 3-10-2-16 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2013]: **Sec. 16. Notwithstanding any other statute or a school
29 corporation's organization plan, an elected member of the
30 governing body shall be elected at the general election held
31 immediately before the term of office for that position on the
32 governing body expires.**"

33 Page 16, line 3, delete "and votes an absentee ballot".

34 Page 36, between lines 35 and 36, begin a new paragraph and insert:

35 "SECTION 61. IC 20-23-4-30, AS AMENDED BY P.L.179-2011,
36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JANUARY 1, 2012 (RETROACTIVE)]: **Sec. 30. (a) This section
38 applies to each school corporation.**

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

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

13 (1) a tie vote occurs among the members of the governing body
14 under this subsection or IC 3-12-9-4; or

15 (2) the governing body fails to act within thirty (30) days after any
16 vacancy occurs;

17 the judge of the circuit court in the county where the majority of
18 registered voters of the school corporation reside shall make the
19 appointment.

20 (d) A vacancy in the governing body occurs if a member ceases to
21 be a resident of any community school corporation. A vacancy does not
22 occur when the member moves from a district of the school corporation
23 from which the member was elected or appointed if the member
24 continues to be a resident of the school corporation.

25 (e) At the first general election in which members of the governing
26 body are elected:

27 (1) a simple majority of the candidates elected as members of the
28 governing body who receive the greatest number of votes shall be
29 elected for four (4) year terms; and

30 (2) the balance of the candidates elected as members of the
31 governing body receiving the next greatest number of votes shall
32 be elected for two (2) year terms.

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

35 (f) Elected governing body members take office and assume their
36 duties on **the date set in the school corporation's organization plan.**
37 **The date set in the organization plan for an elected member of the**
38 **governing body to take office may not be more than fourteen (14)**

1 **months after the date of the member's election. If the school**
 2 **corporation's organization plan does not set a date for an elected**
 3 **member of the governing body to take office, the member takes**
 4 **office** January 1 **immediately** after ~~their~~ **the member's** election.

5 SECTION 62. IC 20-23-7-8.1, AS ADDED BY P.L.179-2011,
 6 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8.1. (a) The registered
 8 voters of the metropolitan school district shall elect the members of the
 9 metropolitan board of education at general elections held biennially,
 10 beginning with the next general election that is held more than sixty
 11 (60) days after the creation of the metropolitan school district as
 12 provided in this chapter.

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

18 (c) Nominees for the board shall be listed on the general election
 19 ballot:

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

23 The ballot must state the number of board members to be voted on and
 24 the maximum number of members that may be elected from each board
 25 member district as provided under section 5 of this chapter. A ballot
 26 that contains more votes than the maximum number allowed from a
 27 board member district is invalid.

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

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

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

- 36 (1) the number of candidates elected is the greatest number that
 37 may be elected from the board member district;
- 38 (2) the candidates elected are those who, among the candidates

1 from the board member district, receive the most votes; and
 2 (3) the other candidates from the board member district are
 3 eliminated.

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

8 (h) If, at any time after the first board member election, a vacancy
 9 on the board occurs for any reason, including an insufficient number of
 10 petitions for candidates being filed, and regardless of whether the
 11 vacating member was elected or appointed, the remaining members of
 12 the board, whether or not a majority of the board, shall by a majority
 13 vote fill the vacancy by:

- 14 (1) appointing a person from the board member district from
 15 which the person who vacated the board was elected; or
 16 (2) if the person was appointed, appointing a person from the
 17 board member district from which the last elected predecessor of
 18 the person was elected.

19 If a majority of the remaining members of the board is unable to agree
 20 or the board fails to act within thirty (30) days after a vacancy occurs,
 21 the judge of the circuit court in the county where the majority of
 22 registered voters of the metropolitan school district reside shall make
 23 the appointment.

24 (i) At a general election held on the earlier of:

- 25 (1) more than sixty (60) days after an elected board member
 26 vacates membership on the board; or
 27 (2) immediately before the end of the term for which the vacating
 28 member was elected;

29 a successor to a board member appointed under subsection (h) shall be
 30 elected. Unless the successor takes office at the end of the term of the
 31 vacating member, the member shall serve only for the balance of the
 32 vacating member's term. In an election for a successor board member
 33 to fill a vacancy for a two (2) year balance of a term, candidates for
 34 board membership need not file for or with reference to the vacancy.
 35 However, as required by IC 3-11-2, candidates for at-large seats must
 36 be distinguished on the ballot from candidates for district seats. If there
 37 is more than one (1) at-large seat on the ballot due to this vacancy, the
 38 elected candidate who receives the fewest votes at the election at which

1 the successor is elected shall serve for a two (2) year term.

2 (j) At the first general election where members of the board are
3 elected under this section, the elected candidates who constitute a
4 simple majority of the elected candidates and who receive the most
5 votes shall be elected for four (4) year terms, and the other elected
6 candidates shall be elected for two (2) year terms.

7 (k) Board members shall be elected for four (4) year terms after the
8 first election and shall take office **on the date set in the school
9 corporation's organization plan. The date set in the organization
10 plan for an elected member of the governing body to take office
11 may not be more than fourteen (14) months after the date of the
12 member's election. If the school corporation's organization plan
13 does not set a date for an elected member of the governing body to
14 take office, the member takes office** January 1 **immediately**
15 following ~~their~~ **the member's** election."

16 Page 37, between lines 39 and 40, begin a new paragraph and insert:

17 "SECTION 64. IC 20-23-12-8, AS AMENDED BY P.L.179-2011,
18 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8. (a) The term of each
20 person elected to serve on the governing body is four (4) years.

21 (b) The term of each person elected to serve on the governing body
22 begins **on the date set in the school corporation's organization plan.
23 The date set in the organization plan for an elected member of the
24 governing body to take office may not be more than fourteen (14)
25 months after the date of the member's election. If the school
26 corporation's organization plan does not set a date for an elected
27 member of the governing body to take office, the member takes
28 office** the January 1 that ~~next~~ **immediately** follows the person's
29 election.

30 SECTION 65. IC 20-23-13-1, AS AMENDED BY P.L.119-2012,
31 SECTION 149, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]: Sec. 1. (a) In a
33 community school corporation established under IC 20-23-4, that has
34 a population of more than eighty thousand five hundred (80,500) but
35 less than one hundred thousand (100,000), the governing body consists
36 of a board of trustees of five (5) members elected in the manner
37 provided in this chapter.

38 (b) The governing body members shall be elected at the times

1 provided and shall succeed the retiring members in the order and
2 manner as set forth in this chapter.

3 **(c) The term of each person elected to serve on the governing**
4 **body begins on the date set in the school corporation's organization**
5 **plan. The date set in the organization plan for an elected member**
6 **of the governing body to take office may not be more than fourteen**
7 **(14) months after the date of the member's election. If the school**
8 **corporation's organization plan does not set a date for an elected**
9 **member of the governing body to take office, the member takes**
10 **office the January 1 that immediately follows the person's election.**

11 SECTION 66. IC 20-23-14-8, AS AMENDED BY P.L.179-2011,
12 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 8. (a) The term of each
14 person elected to serve on the governing body is four (4) years.

15 (b) The term of each person elected to serve on the governing body
16 begins on the **date set in the school corporation's organization plan.**
17 **The date set in the organization plan for an elected member of the**
18 **governing body to take office may not be more than fourteen (14)**
19 **months after the date of the member's election. If the school**
20 **corporation's organization plan does not set a date for an elected**
21 **member of the governing body to take office, the member takes**
22 **office** January 1 that ~~next~~ immediately follows the person's election.

23 SECTION 67. IC 20-23-15-11, AS ADDED BY P.L.1-2005,
24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JANUARY 1, 2012 (RETROACTIVE)]: Sec. 11. (a) Except as
26 otherwise provided in this section, a person elected to serve on the
27 governing body **serves as follows:**

28 (1) ~~begins~~ The person's term **begins on the date set in the school**
29 **corporation's organization plan. The date set in the**
30 **organization plan for an elected member of the governing**
31 **body to take office may not be more than fourteen (14)**
32 **months after the date of the member's election. If the school**
33 **corporation's organization plan does not set a date for an**
34 **elected member of the governing body to take office, the**
35 **member takes office** January 1 of the year following the person's
36 election. ~~and~~

37 (2) **The person** serves a four (4) year term.

38 (b) The two (2) members of the governing body who were last

1 selected under the selection process in effect for the school corporation
 2 before a referendum is held under this chapter shall serve as at-large
 3 members through December 31 of the year in which the second general
 4 election is held to elect members of the governing body under this
 5 chapter. However, if this subsection applies to more than two (2)
 6 members, the circuit court judge for the county shall select two (2) of
 7 these members to serve as at-large members through December 31 of
 8 the year in which the second general election is held to elect members
 9 of the governing body under this chapter.

10 (c) The terms of all other members of the governing body who were
 11 selected to serve on the governing body before a referendum is held
 12 under this chapter expire December 31 of the year in which the
 13 referendum is held.

14 (d) In the initial general election held to elect members of the
 15 governing body under this chapter, five (5) of the members shall be
 16 elected by voters from their districts as follows:

17 (1) Three (3) of the members elected shall serve for four (4) year
 18 terms.

19 (2) Two (2) of the members elected shall serve for two (2) year
 20 terms.

21 (e) In the second general election held to elect members of the
 22 governing body under this chapter, four (4) of the members shall be
 23 elected as follows:

24 (1) Two (2) of the members shall be elected by voters from their
 25 district and shall serve four (4) year terms.

26 (2) Two (2) of the members shall be elected at large and shall
 27 serve four (4) year terms."

28 Page 38, between lines 24 and 25, begin a new paragraph and insert:

29 "SECTION 69. IC 20-23-17-4, AS ADDED BY P.L.179-2011,
 30 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2012 (RETROACTIVE)]; Sec. 4. (a) The term of each
 32 individual chosen to serve on the governing body is four (4) years.
 33 beginning

34 (b) **The term of each individual chosen to serve on the governing**
 35 **body begins on the date set in the school corporation's organization**
 36 **plan. The date set in the organization plan for an elected member**
 37 **of the governing body to take office may not be more than fourteen**
 38 **(14) months after the date of the member's election. If the school**

1 **corporation's organization plan does not set a date for a member**
 2 **of the governing body to take office, the member takes office**
 3 January 1 **immediately** following the individual's election or
 4 appointment."

5 Page 39, delete lines 29 through 42, begin a new paragraph and
 6 insert:

7 "SECTION 71. IC 20-23-17.2-8, AS ADDED BY P.L.179-2011,
 8 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2012 (RETROACTIVE)]; Sec. 8. (a) The term of each
 10 person elected to serve on the governing body of the school corporation
 11 is four (4) years. ~~beginning~~

12 **(b) The term of each person elected to serve on the governing**
 13 **body begins on the date set in the school corporation's organization**
 14 **plan. The date set in the organization plan for an elected member**
 15 **of the governing body to take office may not be more than fourteen**
 16 **(14) months after the date of the member's election. If the school**
 17 **corporation's organization plan does not set a date for an elected**
 18 **member of the governing body to take office, the member takes**
 19 **office** January 1 **immediately** following the **person's** election.

20 SECTION 72. IC 20-25-3-4, AS AMENDED BY P.L.179-2011,
 21 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2012 (RETROACTIVE)]; Sec. 4. (a) The board consists
 23 of seven (7) members. A member:

- 24 (1) must be elected on a nonpartisan basis in general elections
 25 held in the county as specified in this section; and
 26 (2) serves a four (4) year term.

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

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

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

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 **the date set in the school corporation's**
 22 **organization plan. The date set in the organization plan for an**
 23 **elected member of the board to take office may not be more than**
 24 **fourteen (14) months after the date of the member's election. If the**
 25 **school corporation's organization plan does not set a date for a**
 26 **member of the board to take office, the member takes office**
 27 January 1 immediately following the individual's election.

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

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

37 SECTION 73. IC 20-26-4-4, AS AMENDED BY P.L.96-2012,
 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JANUARY 1, 2012]: Sec. 4. (a) This section does not apply to a school
 2 city of the first class or to a school corporation succeeding to all or the
 3 major part in area of a school city of the first class.

4 (b) The commencement and termination of terms of members of a
 5 governing body are as follows:

6 (1) Except as provided in ~~subdivision~~ **subdivisions (2) and (3)**,
 7 the governing body of each school corporation shall determine
 8 whether the term of office for the governing body's members
 9 extends from January 1 to December 31 or from July 1 to June 30.
 10 A governing body that makes a change in the commencement date
 11 of the governing body's members' terms shall report the change to
 12 the state board before August 1 preceding the year in which the
 13 change takes place. An ex officio member of a governing body
 14 shall take office at the time the ex officio member takes the oath
 15 of the office by virtue of which the ex officio member is entitled
 16 to become an ex officio member.

17 (2) **Except as provided in subdivision (3)**, in a county having a
 18 population of more than four hundred thousand (400,000), the
 19 terms of office for the members of a governing body who are
 20 appointed commence on July 1 of the year in which the members
 21 are to take office under the plan, resolution, or law under which
 22 the school corporation is established, and terminate on the June
 23 30 of the final year of the term for which the members are to serve
 24 under the plan, resolution, or law.

25 **(3) An elected member of a governing body takes office on the**
 26 **date set in the school corporation's organization plan. The**
 27 **date set in the organization plan for an elected member of the**
 28 **governing body to take office may not be more than fourteen**
 29 **(14) months after the date of the member's election. If the**
 30 **school corporation's organization plan does not set a date for**
 31 **an elected member of the governing body to take office, the**
 32 **member takes office January 1 immediately after the**
 33 **member's election.**

34 (c) If a vacancy in the membership of a governing body occurs for any
 35 reason (including the failure of a sufficient number of petitions for
 36 candidates for governing body membership being filed for an election
 37 and whether the vacancy was of an elected or appointed member), the
 38 remaining members of the governing body shall by majority vote fill

1 the vacancy by appointing a person from within the boundaries of the
2 school corporation, with the residence and other qualifications
3 provided for a regularly elected or appointed board member filling the
4 membership, to serve for the term or the balance of the term. However,
5 this subsection does not apply to a vacancy:

6 (1) of a member who serves on a governing body in an ex officio
7 capacity; or

8 (2) a vacancy in an appointed board membership if a plan,
9 resolution, or law under which the school corporation operates
10 specifically provides for filling vacancies by the appointing
11 authority."

12 Page 40, delete lines 1 through 39.

13 Page 44, after line 3, begin a new paragraph and insert:

14 "SECTION 80. **An emergency is declared for this act.**"

15 Renumber all SECTIONS consecutively.

(Reference is to HB 1157 as introduced.)

and when so amended that said bill do pass.

Representative Smith M