

SENATE BILL No. 312

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11; IC 3-12-1-7; IC 20-23; IC 20-25-3-4; IC 20-29-5.

Synopsis: School board elections; teacher union dues. Provides that school board members are elected on a partisan basis. Prohibits a school employer from deducting union dues from a teacher's salary. Repeals: (1) a provision requiring a nonpartisan listing of school board members on an election ballot; and (2) a provision allowing a school employer to deduct union dues from a teacher's salary. Makes conforming changes to related sections.

Effective: July 1, 2013.

Smith J

January 8, 2013, read first time and referred to Committee on Education and Career Development.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 312



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 3-11-2-12, AS AMENDED BY P.L.6-2012,
- 2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 12. The following offices shall be placed on the
- 4 general election ballot in the following order after the public questions
- 5 described in section 10(a) of this chapter:
- 6 (1) Federal and state offices:
- 7 (A) President and Vice President of the United States.
- 8 (B) United States Senator.
- 9 (C) Governor and lieutenant governor.
- 10 (D) Secretary of state.
- 11 (E) Auditor of state.
- 12 (F) Treasurer of state.
- 13 (G) Attorney general.
- 14 (H) Superintendent of public instruction.
- 15 (I) United States Representative.
- 16 (2) Legislative offices:
- 17 (A) State senator.



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

38 **(8) School board offices.**

39 SECTION 2. IC 3-11-2-12.9 IS REPEALED [EFFECTIVE JULY
 40 1, 2013]. Sec. 12.9: (a) School board offices to be elected at the general
 41 election shall be placed on the general election ballot after the offices
 42 described in section 12 of this chapter under a nonpartisan title:

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(b) If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."

SECTION 3. IC 3-11-2-13, AS AMENDED BY P.L.190-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) The following offices shall be placed on the general election ballot in the following order after the offices described in section ~~12-9~~ 12 of this chapter:

- (1) Retention of a justice of the supreme court.
- (2) Retention of a judge of the court of appeals.
- (3) Retention of the judge of the tax court.

(b) Whenever more than one (1) justice of the supreme court is subject to retention, the name of each justice must appear on the ballot in alphabetical order. However, if the justice serving as chief justice is subject to retention, the chief justice's name must appear first.

(c) Whenever more than one (1) judge of the court of appeals is subject to retention, the name of each judge must appear on the ballot in alphabetical order. However, if the judge serving as chief judge is subject to retention, the chief judge's name must appear first.

(d) These offices shall be placed in a separate column on the ballot.

SECTION 4. IC 3-11-13-11, AS AMENDED BY P.L.190-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more

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1 parties or petitioners.

2 (e) The offices and public questions on the general election ballot
3 must be placed on the ballot in the order listed in IC 3-11-2-12,
4 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), ~~IC 3-11-2-12.9(a)~~,
5 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
6 IC 3-11-2-14(d). The offices and public questions may be listed in a
7 continuous column either vertically or horizontally and on a number of
8 separate pages.

9 (f) The name of each office must be printed in a uniform size in bold
10 type. A statement reading substantially as follows must be placed
11 immediately below the name of the office and above the name of the
12 first candidate: "Vote for not more than (insert the number of
13 candidates to be elected) candidate(s) for this office."

14 (g) Below the name of the office and the statement required by
15 subsection (f), the names of the candidates for each office must be
16 grouped together in the following order:

17 (1) The major political party whose candidate received the highest
18 number of votes in the county for secretary of state at the last
19 election is listed first.

20 (2) The major political party whose candidate received the second
21 highest number of votes in the county for secretary of state is
22 listed second.

23 (3) All other political parties listed in the order that the parties'
24 candidates for secretary of state finished in the last election are
25 listed after the party listed in subdivision (2).

26 (4) If a political party did not have a candidate for secretary of
27 state in the last election or a nominee is an independent candidate
28 or independent ticket (described in IC 3-11-2-6), the party or
29 candidate is listed after the parties described in subdivisions (1),
30 (2), and (3).

31 (5) If more than one (1) political party or independent candidate
32 or ticket described in subdivision (4) qualifies to be on the ballot,
33 the parties, candidates, or tickets are listed in the order in which
34 the party filed its petition of nomination under IC 3-8-6-12.

35 (6) A space for write-in voting is placed after the candidates listed
36 in subdivisions (1) through (5), if required by law.

37 (7) The name of a write-in candidate may not be listed on the
38 ballot.

39 (h) The names of the candidates grouped in the order established by
40 subsection (g) must be printed in type with uniform capital letters and
41 have a uniform space between each name. The name of the candidate's
42 political party, or the word "Independent" if the:

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- 1 (1) candidate; or
 2 (2) ticket of candidates for:
 3 (A) President and Vice President of the United States; or
 4 (B) governor and lieutenant governor;
 5 is independent, must be placed immediately below or beside the name
 6 of the candidate and must be printed in a uniform size and type.
 7 (i) All the candidates of the same political party for election to
 8 at-large seats on the fiscal or legislative body of a political subdivision
 9 must be grouped together:
 10 (1) under the name of the office that the candidates are seeking;
 11 (2) in the order established by subsection (g); and
 12 (3) within the political party, in alphabetical order according to
 13 surname.
 14 A statement reading substantially as follows must be placed
 15 immediately below the name of the office and above the name of the
 16 first candidate: "Vote for not more than (insert the number of
 17 candidates to be elected) candidate(s) of ANY party for this office."
 18 (j) Candidates for election to at-large seats on the governing body
 19 of a school corporation must be grouped:
 20 (1) under the name of the office that the candidates are seeking;
 21 and
 22 (2) in alphabetical order according to surname.
 23 A statement reading substantially as follows must be placed
 24 immediately below the name of the office and above the name of the
 25 first candidate: "Vote for not more than (insert the number of
 26 candidates to be elected) candidate(s) for this office."
 27 (k) The following information must be placed at the top of the ballot
 28 before the first public question is listed:
 29 (1) The cautionary statement described in IC 3-11-2-7.
 30 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
 31 and IC 3-11-2-10(e).
 32 (l) The ballot must include a single connectable arrow, circle, oval,
 33 or square, or a voting position for voting a straight party or an
 34 independent ticket (described in IC 3-11-2-6) by one (1) mark as
 35 required by section 14 of this chapter, and the single connectable
 36 arrow, circle, oval, or square, or the voting position for casting a
 37 straight party or an independent ticket ballot must be identified by:
 38 (1) the name of the political party or independent ticket
 39 (described in IC 3-11-2-6); and
 40 (2) immediately below or beside the political party's or
 41 independent ticket's name, the device of that party or ticket
 42 (described in IC 3-11-2-5).

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1 The name and device of each political party or independent ticket must
 2 be of uniform size and type and arranged in the order established by
 3 subsection (g) for listing candidates under each office. The instructions
 4 described in IC 3-11-2-10(c) for voting a straight party ticket and the
 5 statement concerning presidential electors required under IC 3-10-4-3
 6 may be placed on the ballot beside or above the names and devices
 7 within the voting booth in a location that permits the voter to easily
 8 read the instructions.

9 (m) A public question must be in the form described in
 10 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable
 11 arrow, a circle, or an oval may be used instead of a square. Except as
 12 expressly authorized or required by statute, a county election board
 13 may not print a ballot card that contains language concerning the public
 14 question other than the language authorized by a statute.

15 (n) The requirements in this section:

16 (1) do not replace; and

17 (2) are in addition to;

18 any other requirements in this title that apply to optical scan ballots.

19 (o) The procedure described in IC 3-11-2-16 must be used when a
 20 ballot does not comply with the requirements imposed by this title or
 21 contains another error or omission that might result in confusion or
 22 mistakes by voters.

23 (p) This subsection applies to an optical scan ballot that does not
 24 list:

25 (1) the names of political parties or candidates; or

26 (2) the text of public questions;

27 on the face of the ballot. The ballot must be prepared in accordance
 28 with this section, except that the ballot must include a numbered circle
 29 or oval to refer to each political party, candidate, or public question.

30 SECTION 5. IC 3-11-14-3.5, AS AMENDED BY P.L.225-2011,
 31 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2013]: Sec. 3.5. (a) Each county election board shall have the
 33 names of all candidates for all elected offices, political party offices,
 34 and public questions printed on ballot labels for use in an electronic
 35 voting system as provided in this chapter.

36 (b) The county may:

37 (1) print all offices and public questions on a single ballot label;
 38 and

39 (2) include a ballot variation code to ensure that the proper
 40 version of a ballot label is used within a precinct.

41 (c) Each type of ballot label or paster must be of uniform size and
 42 of the same quality and color of paper (except as permitted under

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- 1 IC 3-10-1-17).
- 2 (d) The nominees of a political party or an independent candidate
3 or independent ticket (described in IC 3-11-2-6) nominated by
4 petitioners must be listed on the ballot label with the name and device
5 set forth on the certification or petition. The circle containing the
6 device may be of any size that permits a voter to readily identify the
7 device. IC 3-11-2-5 applies if the certification or petition does not
8 include a name or device, or if the same device is selected by two (2)
9 or more parties or petitioners.
- 10 (e) The ballot labels must list the offices and public questions on the
11 general election ballot in the order listed in IC 3-11-2-12,
12 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), ~~IC 3-11-2-12.9(a)~~,
13 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
14 IC 3-11-2-14(d). Each office and public question may have a separate
15 screen, or the offices and public questions may be listed in a
16 continuous column either vertically or horizontally.
- 17 (f) The name of each office must be printed in a uniform size in bold
18 type. A statement reading substantially as follows must be placed
19 immediately below the name of the office and above the name of the
20 first candidate: "Vote for not more than (insert the number of
21 candidates to be elected) candidate(s) for this office."
- 22 (g) Below the name of the office and the statement required by
23 subsection (f), the names of the candidates for each office must be
24 grouped together in the following order:
- 25 (1) The major political party whose candidate received the highest
26 number of votes in the county for secretary of state at the last
27 election is listed first.
 - 28 (2) The major political party whose candidate received the second
29 highest number of votes in the county for secretary of state is
30 listed second.
 - 31 (3) All other political parties listed in the order that the parties'
32 candidates for secretary of state finished in the last election are
33 listed after the party listed in subdivision (2).
 - 34 (4) If a political party did not have a candidate for secretary of
35 state in the last election or a nominee is an independent candidate
36 or independent ticket (described in IC 3-11-2-6), the party or
37 candidate is listed after the parties described in subdivisions (1),
38 (2), and (3).
 - 39 (5) If more than one (1) political party or independent candidate
40 or ticket described in subdivision (4) qualifies to be on the ballot,
41 the parties, candidates, or tickets are listed in the order in which
42 the party filed its petition of nomination under IC 3-8-6-12.

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(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and

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- 1 IC 3-11-2-10(e) may be:
 2 (1) placed on the ballot label; or
 3 (2) posted in a location within the voting booth that permits the
 4 voter to easily read the instructions.
- 5 (m) The ballot label must include a touch sensitive point or button
 6 for voting a straight political party or independent ticket (described in
 7 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button
 8 must be identified by:
 9 (1) the name of the political party or independent ticket; and
 10 (2) immediately below or beside the political party's or
 11 independent ticket's name, the device of that party or ticket
 12 (described in IC 3-11-2-5).
- 13 The name and device of each party or ticket must be of uniform size
 14 and type, and arranged in the order established by subsection (g) for
 15 listing candidates under each office. The instructions described in
 16 IC 3-11-2-10(c) for voting a straight party ticket and the statement
 17 concerning presidential electors required under IC 3-10-4-3 may be
 18 placed on the ballot label or in a location within the voting booth that
 19 permits the voter to easily read the instructions.
- 20 (n) A public question must be in the form described in
 21 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
 22 point or button must be used instead of a square. Except as expressly
 23 authorized or required by statute, a county election board may not print
 24 a ballot label that contains language concerning the public question
 25 other than the language authorized by a statute.
- 26 (o) The requirements in this section:
 27 (1) do not replace; and
 28 (2) are in addition to;
 29 any other requirements in this title that apply to ballots for electronic
 30 voting systems.
- 31 (p) The procedure described in IC 3-11-2-16 must be used when a
 32 ballot label does not comply with the requirements imposed by this title
 33 or contains another error or omission that might result in confusion or
 34 mistakes by voters.
- 35 SECTION 6. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,
 36 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) This subsection applies
 38 whenever a voter:
 39 (1) votes a straight party ticket; and
 40 (2) votes only for one (1) or more individual candidates who are
 41 all of the same political party as the straight ticket vote.
 42 The straight ticket vote shall be counted and the individual candidate

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- 1 votes may not be counted.
- 2 (b) This subsection applies whenever:
- 3 (1) a voter has voted a straight party ticket for the candidates of
- 4 one (1) political party;
- 5 (2) only one (1) person may be elected to an office; and
- 6 (3) the voter has voted for one (1) individual candidate for the
- 7 office described in subdivision (2) who is:
- 8 (A) a candidate of a political party other than the party for
- 9 which the voter voted a straight ticket; or
- 10 (B) an independent candidate for the office.
- 11 If the voter has voted for one (1) individual candidate for the office
- 12 described in subdivision (2), the individual candidate vote for that
- 13 office shall be counted, the straight party ticket vote for that office may
- 14 not be counted, and the straight party ticket votes for other offices on
- 15 the ballot shall be counted.
- 16 (c) This subsection applies whenever:
- 17 (1) a voter has voted a straight party ticket for the candidates of
- 18 one (1) political party; and
- 19 (2) the voter has voted for more individual candidates for the
- 20 office than the number of persons to be elected to that office.
- 21 The individual candidate votes for that office may not be counted, the
- 22 straight party ticket vote for that office may not be counted, and the
- 23 straight party ticket votes for other offices on the ballot shall be
- 24 counted.
- 25 (d) This subsection applies whenever:
- 26 (1) a voter has voted a straight party ticket for the candidates of
- 27 one (1) political party;
- 28 (2) more than one (1) person may be elected to an office; and
- 29 (3) the voter has voted for individual candidates for the office
- 30 described in subdivision (2) who are:
- 31 (A) independent candidates;
- 32 (B) candidates of a political party other than the political party
- 33 for which the voter cast a straight party ticket under
- 34 subdivision (1); or
- 35 (C) a combination of candidates described in clauses (A) and
- 36 (B).
- 37 The individual votes cast by the voter for the office for the independent
- 38 candidates and the candidates of a political party other than the
- 39 political party for which the voter cast a straight party ticket shall be
- 40 counted. The straight party ticket vote cast by that voter for that office
- 41 shall be counted unless the total number of votes cast for the office by
- 42 the voter, when adding the voter's votes for the individual candidates

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1 for the office and the voter's straight party ticket votes for the office, is
2 greater than the number of persons to be elected to the office. If the
3 total number of votes cast for the office is greater than the number of
4 persons to be elected to the office, the straight party ticket votes for the
5 office may not be counted. The straight party ticket votes for other
6 offices on the voter's ballot shall be counted.

7 (e) This subsection applies whenever:

- 8 (1) a voter has voted a straight party ticket for the candidates of
- 9 one (1) political party;
- 10 (2) more than one (1) person may be elected to an office; and
- 11 (3) the voter has voted for individual candidates for the office
- 12 described in subdivision (2) who are:

- 13 (A) independent candidates or candidates of a political party
- 14 other than the political party for which the voter cast a straight
- 15 party ticket under subdivision (1); and
- 16 (B) candidates of the same political party for which the voter
- 17 cast a straight party ticket under subdivision (1).

18 The individual votes cast by the voter for the office for the independent
19 candidates and the candidates of a political party other than the
20 political party for which the voter cast a straight party ticket shall be
21 counted. The individual votes cast by the voter for the office for the
22 candidates of the same political party for which the voter cast a straight
23 party ticket may not be counted. The straight party ticket vote cast by
24 that voter for that office shall be counted unless the total number of
25 votes cast for the office by the voter, when adding the voter's votes for
26 the individual candidates for the office and the voter's straight party
27 ticket vote for the office is greater than the number of persons to be
28 elected to the office. If the total number of votes cast for the office is
29 greater than the number of persons to be elected to the office, the
30 straight party ticket votes for that office may not be counted. The
31 straight party ticket votes for other offices on the voter's ballot shall be
32 counted.

33 (f) If a voter votes a straight party ticket for more than one (1)
34 political party, the whole ballot is void with regard to all candidates
35 nominated by a political party or designated as independent candidates
36 on the ballot. However, the voter's vote for a school board candidate or
37 on a public question shall be counted if otherwise valid under this
38 chapter.

39 (g) If a voter does not vote a straight party ticket and the number of
40 votes cast by that voter for the candidates for an office are less than or
41 equal to the number of openings for that office, the individual
42 candidates votes shall be counted.

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1 (h) If a voter does not vote a straight party ticket and the number of
 2 votes cast by that voter for an office exceeds the number of openings
 3 for that office, none of the votes concerning that office may be counted.

4 SECTION 7. IC 20-23-4-12, AS AMENDED BY P.L.179-2011,
 5 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]: Sec. 12. (a) In formulating a preliminary reorganization
 7 plan and with respect to each of the community school corporations
 8 that are a part of the reorganization plan, the county committee shall
 9 determine the following:

10 (1) The name of the community school corporation.

11 (2) Subject to subsection (e), a general description of the
 12 boundaries of the community school corporation.

13 (3) With respect to the board of school trustees, the following:

14 (A) Whether the number of members is:

- 15 (i) three (3);
- 16 (ii) five (5); or
- 17 (iii) seven (7).

18 (B) Whether the members are elected or appointed.

19 (C) If the members are appointed:

- 20 (i) when the appointments are made; and
- 21 (ii) who makes the appointments.

22 (D) If the members are elected, that the election is:

23 **(i) a partisan election; and**

24 **(ii) at the general election at which county officials are**
 25 **elected.**

26 (E) Subject to sections 21 and 22 of this chapter, the manner
 27 in which members are elected or appointed.

28 (4) The compensation, if any, of the members of the regular and
 29 interim board of school trustees, which may not exceed the
 30 amount provided in IC 20-26-4-7.

31 (5) Subject to subsection (f), qualifications required of the
 32 members of the board of school trustees, including limitations on:

- 33 (A) residence; and
- 34 (B) term of office.

35 (6) If an existing school corporation is divided in the
 36 reorganization, the disposition of assets and liabilities.

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

38 (b) If existing school corporations are not divided in the
 39 reorganization, the:

- 40 (1) assets;
- 41 (2) liabilities; and
- 42 (3) obligations;

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1 of the existing school corporations shall be transferred to and assumed
 2 by the new community school corporation of which they are a part,
 3 regardless of whether the plan provides for transfer and assumption.

4 (c) The preliminary plan must be supported by a summary statement
 5 of the following:

6 (1) The educational improvements the plan's adoption will make
 7 possible.

8 (2) Data showing the:

9 (A) assessed valuation;

10 (B) number of resident students in ADA in grades 1 through
 11 12;

12 (C) assessed valuation per student referred to in clause (B);
 13 and

14 (D) property tax levies;

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

16 (3) The:

17 (A) assessed valuation;

18 (B) resident ADA; and

19 (C) assessed valuation per student;

20 data referred to in subdivision 2(A) through 2(C) that would have
 21 applied for each proposed community school corporation if the
 22 corporation existed in the year the preliminary plan is prepared or
 23 notice of a hearing or hearings on the preliminary plan is given by
 24 the county committee.

25 (4) Any other data or information the county committee considers
 26 appropriate or that may be required by the state board in its rules.

27 (d) The county committee:

28 (1) shall base the assessed valuations and tax levies referred to in
 29 subsection (c)(2) through (c)(3) on the valuations applying to
 30 taxes collected in:

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

32 (B) the year notice of a hearing or hearings on the preliminary
 33 plan is given by the county committee;

34 (2) may base the resident ADA figures on the calculation of the
 35 figures under the rules under which they are submitted to the state
 36 superintendent by existing school corporations; and

37 (3) shall set out the resident ADA figures for:

38 (A) the school year in progress if the figures are available for
 39 that year; or

40 (B) the immediately preceding school year if the figures are
 41 not available for the school year in progress.

42 The county committee may obtain the data and information referred to

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1 in this subsection from any source the committee considers reliable. If
2 the county committee attempts in good faith to comply with this
3 subsection, the summary statement referred to in subsection (c) is
4 sufficient regardless of whether the statement is exactly accurate.

5 (e) The general description referred to in subsection (a)(2) may
6 consist of an identification of an existing school corporation that is to
7 be included in its entirety in the community school corporation. If a
8 boundary does not follow the boundary of an existing civil unit of
9 government or school corporation, the description must set out the
10 boundary:

- 11 (1) as near as reasonably possible by:
 - 12 (A) streets;
 - 13 (B) rivers; and
 - 14 (C) other similar boundaries;
- 15 that are known by common names; or
- 16 (2) if descriptions as described in subdivision (1) are not possible,
17 by section lines or other legal description.

18 The description is not defective if there is a good faith effort by the
19 county committee to comply with this subsection or if the boundary
20 may be ascertained with reasonable certainty by a person skilled in the
21 area of real estate description. The county committee may require the
22 services of the county surveyor in preparing a description of a boundary
23 line.

- 24 (f) A member of the board of school trustees:
 - 25 (1) may not serve an appointive or elective term of more than four
26 (4) years; and
 - 27 (2) may serve more than one (1) consecutive appointive or
28 elective term.

29 SECTION 8. IC 20-23-4-29.1, AS ADDED BY P.L.179-2011,
30 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2013]: Sec. 29.1. (a) This section applies to each school
32 corporation.

33 (b) If a plan provides for election of members of the governing
34 body, the members of the governing body shall be elected at a general
35 election **on a partisan basis**. Each candidate must file a petition of
36 nomination in accordance with IC 3-8-2.5 that is signed by the
37 candidate and by ten (10) registered voters residing within the
38 boundaries of the community school corporation. The filing must be
39 made within the time specified by IC 3-8-2.5-4.

40 (c) All nominations shall be listed for each office in the form
41 prescribed by IC 3-11-2. ~~but without party designation~~. Voting and
42 tabulation of votes shall be conducted in the same manner as voting

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1 and tabulation in general elections are conducted. The precinct election
2 boards serving in each county shall conduct the election for members
3 of the governing body. If a school corporation is located in more than
4 one (1) county, each county election board shall print the ballots
5 required for voters in that county to vote for candidates for members of
6 the governing body.

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

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

27 (f) If the plan provides that members of the governing body are to
28 be elected from electoral districts solely by the voters of each district,
29 nominees residing in each electoral district shall be placed on the ballot
30 in the form prescribed by IC 3-11-2. ~~without party designation~~. The
31 ballot must state the number of members to be voted on from the
32 electoral district. The candidates residing in the electoral district who
33 receive the most votes are elected.

34 SECTION 9. IC 20-23-7-8.1, AS ADDED BY P.L.179-2011,
35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2013]: Sec. 8.1. (a) The registered voters of the metropolitan
37 school district shall elect the members of the metropolitan board of
38 education at general elections held biennially, beginning with the next
39 general election that is held more than sixty (60) days after the creation
40 of the metropolitan school district as provided in this chapter.

41 (b) Each nominee for the board must file a petition of nomination
42 signed by the nominee and by ten (10) registered voters residing in the

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1 same board member district as the nominee. The petition must be filed
2 in accordance with IC 3-8-2.5 with the circuit court clerk of each
3 county in which the metropolitan school district is located.

4 (c) Nominees for the board shall be listed on the general election
5 ballot:

- 6 (1) in the form prescribed by IC 3-11-2;
- 7 (2) by board member districts; and
- 8 (3) ~~without~~ **with** party designation.

9 The ballot must state the number of board members to be voted on and
10 the maximum number of members that may be elected from each board
11 member district as provided under section 5 of this chapter. A ballot
12 that contains more votes than the maximum number allowed from a
13 board member district is invalid.

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

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

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

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

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

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

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

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

- 6 (i) At a general election held on the earlier of:
 7 (1) more than sixty (60) days after an elected board member
 8 vacates membership on the board; or
 9 (2) immediately before the end of the term for which the vacating
 10 member was elected;

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

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

27 (k) Board members shall be elected for four (4) year terms after the
 28 first election and shall take office January 1 following their election.

29 SECTION 10. IC 20-23-8-7, AS AMENDED BY P.L.119-2012,
 30 SECTION 146, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A plan or proposed plan must
 32 contain the following items:

- 33 (1) The number of members of the governing body, which shall
 34 be:
 35 (A) three (3);
 36 (B) five (5); or
 37 (C) seven (7);
 38 members.
 39 (2) Whether the governing board shall be elected, appointed, or
 40 both.
 41 (3) If appointed, when and by whom, and a general description of
 42 the manner of appointment that conforms with the requirements

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- 1 of IC 20-23-4-28.
- 2 (4) A provision that the members of an elected governing board
- 3 shall be elected:
- 4 (A) **in a partisan election; and**
- 5 (B) at the general election at which county officials are
- 6 elected.
- 7 (5) If the governing board will have members who are elected and
- 8 members who are appointed, the following information:
- 9 (A) The number of appointed members.
- 10 (B) When and by whom each of the appointed members are
- 11 appointed.
- 12 (C) A general description of the manner of appointment that
- 13 conforms with the requirements of IC 20-23-4-28.
- 14 (D) The number of elected members.
- 15 (E) A general description of the manner of election that
- 16 conforms with the requirements of IC 20-23-4-27.
- 17 (6) The limitations on:
- 18 (A) residence;
- 19 (B) term of office; and
- 20 (C) other qualifications;
- 21 required by members of the governing body.
- 22 (7) The time the plan takes effect.
- 23 A plan or proposed plan may have additional details to make the
- 24 provisions of the plan workable. The details may include provisions
- 25 relating to the commencement or length of terms of office of the
- 26 members of the governing body taking office under the plan.
- 27 (b) Except as provided in subsection (a)(1), in a city having a
- 28 population of more than fifty-five thousand (55,000) but less than sixty
- 29 thousand (60,000), the governing body described in a plan may have up
- 30 to nine (9) members.
- 31 SECTION 11. IC 20-23-12-3, AS AMENDED BY P.L.179-2011,
- 32 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2013]: Sec. 3. (a) The governing body of the school
- 34 corporation consists of seven (7) members elected as follows:
- 35 (1) On a ~~nonpartisan~~ **partisan** basis.
- 36 (2) In a general election in the county.
- 37 (b) Six (6) of the members shall be elected from the school districts
- 38 drawn under section 4 of this chapter. Each member:
- 39 (1) is elected from the school district in which the member
- 40 resides; and
- 41 (2) upon election and in conducting the business of the governing
- 42 body, represents the interests of the entire school corporation.

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1 (c) One (1) of the members elected:
 2 (1) is the at-large member of the governing body;
 3 (2) may reside in any of the districts drawn under section 4 of this
 4 chapter; and
 5 (3) upon election and in conducting the business of the governing
 6 body, represents the interests of the entire school corporation.
 7 SECTION 12. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011,
 8 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2013]: Sec. 2.1. (a) As used in this section, "county election
 10 board" includes a board of elections and registration established under
 11 IC 3-6-5.2.
 12 (b) The voters of the school corporation shall elect the members of
 13 the governing body at a general election for a term of four (4) years.
 14 The members shall be elected from the city at large without reference
 15 to district.
 16 (c) Each candidate for election to the governing body must file a
 17 petition of nomination with the county election board in each county in
 18 which a school corporation subject to this chapter is located. The
 19 petition of nomination must comply with IC 3-8-2.5 and the following
 20 requirements:
 21 (1) The petition must be signed by at least two hundred (200)
 22 legal voters of the school corporation.
 23 (2) Each petition may nominate only one (1) candidate.
 24 (3) The number of petitions signed by a legal voter may not
 25 exceed the number of school trustees to be elected.
 26 (d) After all the petitions described in subsection (c) are filed with
 27 the county election board, the board shall publish the names of those
 28 nominated in accordance with IC 5-3-1 and shall certify the
 29 nominations in the manner required by law. IC 3 governs the election
 30 to the extent that it is not inconsistent with this chapter.
 31 (e) The county election board shall prepare the ballot for the general
 32 election at which members of the governing body are to be elected so
 33 that the names of the candidates nominated appear on the ballot:
 34 (1) in alphabetical order;
 35 (2) ~~without~~ **with** party designation; and
 36 (3) in the form prescribed by IC 3-11-2.
 37 (f) The county election board shall not publish or place on the ballot
 38 the name of a candidate who is not eligible under this chapter for
 39 membership on the governing body.
 40 (g) Each voter may vote for as many candidates as there are
 41 members of the governing body to be elected.
 42 SECTION 13. IC 20-23-14-3, AS ADDED BY P.L.1-2005,

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1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 3. (a) The governing body of the school
3 corporation consists of five (5) members elected on a ~~nonpartisan~~
4 **partisan** basis.

5 (b) Three (3) of the members are elected from the school districts
6 referred to in section 4 of this chapter by eligible voters residing in the
7 school districts. Each member:

8 (1) is elected from the school district in which the member
9 resides; and

10 (2) upon election and in conducting the business of the governing
11 body, represents the interests of the entire school corporation.

12 (c) Two (2) of the members:

13 (1) are elected by eligible voters residing in the school
14 corporation;

15 (2) are at-large members of the governing body; and

16 (3) upon election and in conducting the business of the governing
17 body, represent the interests of the entire school corporation.

18 SECTION 14. IC 20-23-15-6, AS ADDED BY P.L.1-2005,
19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2013]: Sec. 6. (a) The governing body of the school
21 corporation consists of seven (7) members who shall be elected:

22 (1) on a ~~nonpartisan~~ **partisan** basis; and

23 (2) in the general election held in the county.

24 (b) Five (5) of the members shall be elected from the school districts
25 in which the members reside as established under section 7 of this
26 chapter.

27 (c) Two (2) of the members shall be elected at large.

28 SECTION 15. IC 20-23-17-3, AS ADDED BY P.L.179-2011,
29 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2013]: Sec. 3. (a) The governing body of the school
31 corporation consists of five (5) members chosen as follows:

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

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

36 (3) One (1) member shall be appointed by the city legislative
37 body.

38 (b) The members elected under subsection (a)(1) shall be elected as
39 follows:

40 (1) On a ~~nonpartisan~~ **partisan** basis.

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

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

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1 (c) The following apply to an election of members of the governing
2 body of the school corporation under subsection (a)(1):

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

7 (A) The name of the candidate.

8 (B) A certification that the candidate meets the qualifications
9 for candidacy imposed by this chapter.

10 (2) Only eligible voters residing in the school corporation may
11 vote for a candidate seeking election.

12 SECTION 16. IC 20-23-17.2-3, AS ADDED BY P.L.179-2011,
13 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2013]: Sec. 3. (a) The governing body of the school
15 corporation consists of nine (9) members who shall be elected as
16 follows:

17 (1) One (1) member shall be elected from each of the school
18 districts described in section 4 of this chapter. A member elected
19 under this subdivision must reside within the boundaries of the
20 district the member represents.

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

23 (3) All members shall be elected on a ~~nonpartisan~~ **partisan** basis.

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

26 (b) Upon assuming office and in conducting the business of the
27 governing body, a member shall represent the interests of the entire
28 school corporation.

29 SECTION 17. IC 20-25-3-4, AS AMENDED BY P.L.179-2011,
30 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2013]: Sec. 4. (a) The board consists of seven (7) members.
32 A member:

33 (1) must be elected on a ~~nonpartisan~~ **partisan** basis in general
34 elections held in the county as specified in this section; and

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

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

40 (c) If a candidate runs for one (1) of the district positions on the
41 board, only eligible voters residing in the candidate's district may vote
42 for that candidate. If a person is a candidate for one (1) of the at-large

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1 positions, eligible voters from all the districts may vote for that
2 candidate.

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

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

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

- 15 (1) balloting procedures for the election under IC 3; and
16 (2) other procedures required to implement this section.

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

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

25 (i) An individual elected to serve on the board begins the
26 individual's term on January 1 immediately following the individual's
27 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 18. IC 20-29-5-6 IS REPEALED [EFFECTIVE JULY 1,
38 2013]. ~~Sec. 6: (a) The school employer shall, on receipt of the written~~
39 ~~authorization of a school employer:~~

40 ~~(+) deduct from the pay of the employee any dues designated or~~
41 ~~certified by the appropriate officer of a school employee~~
42 ~~organization that is an exclusive representative of any employees~~

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1 of the school employer; and
 2 (2) remit the dues described in subdivision (1) to the school
 3 employee organization.
 4 (b) Deductions under this section must be consistent with:
 5 (1) IC 22-2-6;
 6 (2) IC 22-2-7; and
 7 (3) IC 20-28-9-18.
 8 SECTION 19. IC 20-29-5-6.5 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2013]: **Sec. 6.5. A school employer may not**
 11 **deduct from the pay of a school employee any dues payable to a**
 12 **school employee organization.**

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