

HOUSE BILL No. 1036

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-8; IC 3-10; IC 3-11; IC 3-12; IC 3-13-10.5; IC 20-23; IC 20-25-3-4; IC 20-26-4; IC 33-33-53-5.

Synopsis: School board elections. Requires candidates for school board offices to be nominated in the same manner as candidates for all other elected offices are nominated. Repeals the current statute relating to nomination of candidates for school board offices. Repeals other superseded statutes. Makes conforming changes.

Effective: January 1, 2024.

Cash

January 9, 2023, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1036

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

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

1 SECTION 1. IC 3-5-2-44 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2024]: Sec. 44. (a) "School board" means
3 the ~~fixed~~ governing body of a school corporation (as defined in
4 IC 20-18-2-5).

5 (b) The term includes an elected school advisory board.
6 SECTION 2. IC 3-5-2-45 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JANUARY 1, 2024]: Sec. 45. (a) "School board office"
8 refers to an elected position on the school board of a school
9 corporation.

10 (b) The term includes an elected school advisory board office.
11 SECTION 3. IC 3-5-4-1.7, AS AMENDED BY P.L.257-2019,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2024]: Sec. 1.7. (a) Except as otherwise expressly
14 authorized or required under this title, a filing by a person with a
15 commission, the election division, an election board, or a county voter
16 registration office may not be made by fax or electronic mail.

17 (b) A petition of nomination filed with a county voter registration



1 office under IC 3-8-2, ~~IC 3-8-2.5~~, IC 3-8-3, or IC 3-8-6 or a petition to
 2 place a public question on the ballot, or any other petition filed that
 3 requires the county voter registration office to certify the validity of
 4 signatures, may not contain the electronic signature, digital signature,
 5 digitized signature, or photocopied signature of a voter.

6 SECTION 4. IC 3-8-1-2, AS AMENDED BY P.L.278-2019,
 7 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2024]: Sec. 2. (a) This section does not apply to a
 9 candidate challenged under IC 3-8-8.

10 (b) The commission, a county election board, or a town election
 11 board shall act if a candidate (or a person acting on behalf of a
 12 candidate in accordance with ~~state~~ **Indiana** law) has filed any of the
 13 following:

14 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.

15 (2) A request for ballot placement in a presidential primary under
 16 IC 3-8-3.

17 (3) A petition of nomination or candidate's consent to nomination
 18 under ~~IC 3-8-2.5~~ or IC 3-8-6.

19 (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,
 20 IC 3-10-2-15, or IC 3-10-6-12.

21 (5) A certificate of candidate selection under IC 3-13-1 or
 22 IC 3-13-2.

23 (6) A declaration of intent to be a write-in candidate under
 24 IC 3-8-2-2.5.

25 (7) A contest to the denial of certification under ~~IC 3-8-2.5~~ or
 26 IC 3-8-6-12.

27 (c) The commission has jurisdiction to act under this section with
 28 regard to any filing described in subsection (b) that was made with the
 29 election division. Except for a filing under the jurisdiction of a town
 30 election board, a county election board has jurisdiction to act under this
 31 section with regard to any filing described in subsection (b) that was
 32 made with the county election board, county voter registration office,
 33 or the circuit court clerk. A town election board has jurisdiction to act
 34 under this section with regard to any filing that was made with the
 35 county election board, the county voter registration office, or the circuit
 36 court clerk for nomination or election to a town office.

37 (d) Except as provided in subsection (f), before the commission or
 38 election board acts under this section, a registered voter of the election
 39 district that a candidate seeks to represent or a county chairman of a
 40 major political party of a county in which any part of the election
 41 district is located must file a sworn statement before a person
 42 authorized to administer oaths, with the election division or election



- 1 board:
- 2 (1) questioning the eligibility of the candidate to seek the office;
- 3 and
- 4 (2) setting forth the facts known to the voter or county chairman
- 5 of a major political party of a county concerning this question.
- 6 (e) The eligibility of a write-in candidate or a candidate nominated
- 7 by a convention, petition, or primary may not be challenged under this
- 8 section if the commission or board determines that all of the following
- 9 occurred:
- 10 (1) The eligibility of the candidate was challenged under this
- 11 section before the candidate was nominated.
- 12 (2) The commission or board conducted a hearing on the affidavit
- 13 before the nomination.
- 14 (3) This challenge would be based on substantially the same
- 15 grounds as the previous challenge to the candidate.
- 16 (f) Before the commission or election board can consider a contest
- 17 to the denial of a certification under ~~IC 3-8-2.5~~ or IC 3-8-6-12, a
- 18 candidate (or a person acting on behalf of a candidate in accordance
- 19 with **state Indiana** law) must file a sworn statement with the election
- 20 division or election board:
- 21 (1) stating specifically the basis for the contest; and
- 22 (2) setting forth the facts known to the candidate supporting the
- 23 basis for the contest.
- 24 (g) Upon the filing of a sworn statement under subsection (d) or (f),
- 25 the commission or election board shall determine the validity of the
- 26 questioned:
- 27 (1) declaration of candidacy;
- 28 (2) declaration of intent to be a write-in candidate;
- 29 (3) request for ballot placement under IC 3-8-3;
- 30 (4) petition of nomination;
- 31 (5) certificate of nomination;
- 32 (6) certificate of candidate selection issued under IC 3-13-1-15 or
- 33 IC 3-13-2-8; or
- 34 (7) denial of a certification under ~~IC 3-8-2.5~~ or IC 3-8-6-12.
- 35 (h) The commission or election board shall deny a filing if the
- 36 commission or election board determines that the candidate has not
- 37 complied with the applicable requirements for the candidate set forth
- 38 in the Constitution of the United States, the Constitution of the State of
- 39 Indiana, or this title.
- 40 SECTION 5. IC 3-8-2-2 IS AMENDED TO READ AS FOLLOWS
- 41 [EFFECTIVE JANUARY 1, 2024]: Sec. 2. ~~A person~~ **An individual**
- 42 who desires to be nominated at a primary election as a candidate of a



1 political party subject to this chapter for a federal, state, legislative, or
 2 local, or school board office shall file a declaration of candidacy.

3 SECTION 6. IC 3-8-2.5 IS REPEALED [EFFECTIVE JANUARY
 4 1, 2024]. (Nomination for School Board Office).

5 SECTION 7. IC 3-8-6-1, AS AMENDED BY P.L.194-2013,
 6 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2024]: Sec. 1. (a) This chapter applies to a candidate for
 8 nomination to an elected office who:

9 (1) is an independent candidate; or

10 (2) represents a political party not qualified to nominate
 11 candidates in a primary or by convention.

12 (b) This chapter does not apply to a candidate for a school board
 13 office.

14 SECTION 8. IC 3-8-7-28, AS AMENDED BY P.L.216-2015,
 15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2024]: Sec. 28. (a) Except as provided in subsections (b)
 17 and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or
 18 IC 3-10-1 desires to withdraw as the nominee, the nominee must file a
 19 notice of withdrawal in writing with the public official with whom the
 20 certificate of nomination was filed by noon:

21 (1) July 15 before a general or municipal election;

22 (2) August 1 before a municipal election in a town subject to
 23 IC 3-8-5-10;

24 (3) on the date specified for town convention nominees under
 25 IC 3-8-5-14.5;

26 (4) on the date specified for declared write-in candidates under
 27 IC 3-8-2-2.7; or

28 (5) on the date specified for a school board candidate under
 29 IC 3-8-2.5-4; or

30 (6) (5) forty-five (45) days before a special election.

31 (b) A candidate who is disqualified from being a candidate under
 32 IC 3-8-1-5 must file a notice of withdrawal immediately upon
 33 becoming disqualified. IC 3-8-8-7 and the filing requirements of
 34 subsection (a) do not apply to a notice of withdrawal filed under this
 35 subsection.

36 (c) A candidate who has moved from the election district the
 37 candidate sought to represent must file a notice of withdrawal
 38 immediately after changing the candidate's residence. IC 3-8-8-7 and
 39 the filing requirements of subsection (a) do not apply to a notice of
 40 withdrawal filed under this subsection.

41 SECTION 9. IC 3-8-9-5, AS AMENDED BY P.L.278-2019,
 42 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2024]: Sec. 5. An individual required to file a statement
 2 under section 4 of this chapter shall file the statement as follows:

3 (1) With the individual's:

4 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;

5 (B) petition of nomination under ~~IC 3-8-2.5~~ or IC 3-8-6 for an
 6 office described in IC 3-8-2-5 in a county with a separate
 7 board of registration under IC 3-7-12 after certification by the
 8 board of registration;

9 (C) petition of nomination under ~~IC 3-8-2.5~~ or IC 3-8-6 for an
 10 office described in IC 3-8-2-5 in a county that does not have a
 11 separate board of registration under IC 3-7-12;

12 (D) petition of nomination under IC 3-8-6 for an office
 13 described in IC 3-8-2-5 after certification by the county voter
 14 registration office;

15 (E) certificate of nomination under IC 3-10-2-15 or
 16 IC 3-10-6-12;

17 (F) statement consenting to be a replacement candidate under
 18 IC 3-8-6-17;

19 (G) declaration of intent to be a write-in candidate under
 20 IC 3-8-2-2.5; or

21 (H) certificate of candidate selection under IC 3-13-1 or
 22 IC 3-13-2.

23 (2) When the individual assumes a vacant elected office under
 24 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, **IC 3-13-10.5-3**, or
 25 IC 3-13-11. ~~or IC 20-23-4-30~~. A statement filed under this
 26 subdivision must be filed not later than noon sixty (60) days after
 27 the individual assumes the elected office.

28 SECTION 10. IC 3-10-1-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 4. (a) At a
 30 primary election each political party subject to section 2 of this chapter
 31 shall nominate its candidates for the following offices to be voted for
 32 at the general election:

33 (1) United States Senator.

34 (2) Governor.

35 (3) United States Representative.

36 (4) Legislative offices.

37 (5) Local offices.

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

39 (b) In addition, each political party subject to section 2 of this
 40 chapter shall:

41 (1) vote on candidates for nomination as President of the United
 42 States;



1 (2) elect delegates from each county to the party's state
2 convention; and

3 (3) elect a precinct committeeman for each precinct in the county
4 if precinct committeemen are to be elected under section 4.5 of
5 this chapter.

6 SECTION 11. IC 3-10-1-18, AS AMENDED BY THE
7 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL
8 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JANUARY 1, 2024]: Sec. 18. (a) Except as provided by subsection (b),
10 the names of all candidates for each office who have qualified under
11 IC 3-8 shall be arranged in alphabetical order by surnames under the
12 designation of the office.

13 (b) This subsection applies to a county having a population of more
14 than four hundred thousand (400,000) ~~but and~~ less than seven hundred
15 thousand (700,000). The names of all candidates for each office who
16 have qualified under IC 3-8, except for a ~~school board office~~, precinct
17 committeeman or state convention delegate, shall be arranged in
18 random order by surnames under the designation of the office. The
19 random order shall be determined using a lottery. The lottery held in
20 accordance with this subsection shall be conducted in public by the
21 county election board. The lottery shall be held not later than fifteen
22 (15) days following the last day for a declaration of candidacy under
23 IC 3-8-2-4. All candidates whose names are to be arranged by way of
24 the lottery shall be notified at least five (5) days prior to the lottery of
25 the time and place at which the lottery is to be held. Each candidate
26 may have one (1) designated watcher, and each county political party
27 may have one (1) designated watcher who shall be allowed to observe
28 the lottery procedure.

29 (c) For paper ballots, the left margin of the ballot for each political
30 party must show the name of the uppermost candidate printed to the
31 right of the number 1, the next candidate number 2, the next candidate
32 number 3, and so on, consecutively to the end of the ballot as
33 prescribed in section 19 of this chapter. If ordered by a county election
34 board or a board of elections and registration under IC 3-11-15-13.1(b),
35 a ballot number or other candidate designation uniquely associated
36 with the candidate must be displayed on the electronic voting system
37 and printed on the ballot cards.

38 (d) This subsection applies to a county having a population of more
39 than four hundred thousand (400,000) ~~but and~~ less than seven hundred
40 thousand (700,000). If there is insufficient room on a row to list each
41 candidate of a political party, a second or subsequent row may be
42 utilized. However, a second or subsequent row may not be utilized



1 unless the first row, and all preceding rows, have been filled.

2 SECTION 12. IC 3-10-1-19, AS AMENDED BY P.L.278-2019,
3 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2024]: Sec. 19. (a) The ballot for a primary election shall
5 be printed in substantially the form described in this section for all the
6 offices for which candidates have qualified under IC 3-8.

7 (b) The following shall be printed as the heading for the ballot for
8 a political party:

9 "OFFICIAL PRIMARY BALLOT

10 _____ Party (insert the name of the political party)".

11 (c) The following shall be printed immediately below the heading
12 required by subsection (b) or be posted in each voting booth as
13 provided in IC 3-11-2-8(b):

14 (1) For paper ballots, print: To vote for a person, make a voting
15 mark (X or ✓) on or in the box before the person's name in the
16 proper column.

17 (2) For optical scan ballots, print: To vote for a person, darken or
18 shade in the circle, oval, or square (or draw a line to connect the
19 arrow) that precedes the person's name in the proper column.

20 (3) For optical scan ballots that do not contain a candidate's name,
21 print: To vote for a person, darken or shade in the oval that
22 precedes the number assigned to the person's name in the proper
23 column.

24 (4) For electronic voting systems, print: To vote for a person,
25 touch the screen (or press the button) in the location indicated.

26 (d) Local public questions shall be placed on the primary election
27 ballot after the heading and the voting instructions described in
28 subsection (c) (if the instructions are printed on the ballot) and before
29 the offices described in subsection (g).

30 (e) The local public questions described in subsection (d) shall be
31 placed as follows:

32 (1) In a separate column on the ballot if voting is by paper ballot.

33 (2) After the heading and the voting instructions described in
34 subsection (c) (if the instructions are printed on the ballot) and
35 before the offices described in subsection (g), in the form
36 specified in IC 3-11-13-11 if voting is by ballot card.

37 (3) As provided by either of the following if voting is by an
38 electronic voting system:

39 (A) On a separate screen for a public question.

40 (B) After the heading and the voting instructions described in
41 subsection (c) (if the instructions are printed on the ballot) and
42 before the offices described in subsection (g), in the form



- 1 specified in IC 3-11-14-3.5.
- 2 (f) A public question shall be placed on the primary election ballot
- 3 in the following form:
- 4 (The explanatory text for the public question,
- 5 if required by law.)
- 6 "Shall (insert public question)?"
- 7 YES
- 8 NO
- 9 (g) The offices with candidates for nomination shall be placed on
- 10 the primary election ballot in the following order:
- 11 (1) Federal and state offices:
- 12 (A) President of the United States.
- 13 (B) United States Senator.
- 14 (C) Governor.
- 15 (D) United States Representative.
- 16 (2) Legislative offices:
- 17 (A) State senator.
- 18 (B) State representative.
- 19 (3) Circuit offices and county judicial offices:
- 20 (A) Judge of the circuit court, and unless otherwise specified
- 21 under IC 33, with each division separate if there is more than
- 22 one (1) judge of the circuit court.
- 23 (B) Judge of the superior court, and unless otherwise specified
- 24 under IC 33, with each division separate if there is more than
- 25 one (1) judge of the superior court.
- 26 (C) Judge of the probate court.
- 27 (D) Prosecuting attorney.
- 28 (E) Circuit court clerk.
- 29 (4) County offices:
- 30 (A) County auditor.
- 31 (B) County recorder.
- 32 (C) County treasurer.
- 33 (D) County sheriff.
- 34 (E) County coroner.
- 35 (F) County surveyor.
- 36 (G) County assessor.
- 37 (H) County commissioner.
- 38 (I) County council member.
- 39 (5) Township offices:
- 40 (A) Township assessor (only in a township referred to in
- 41 IC 36-6-5-1(d)).
- 42 (B) Township trustee.



- 1 (C) Township board member.
 2 (D) Judge of the small claims court.
 3 (E) Constable of the small claims court.
 4 (6) City offices:
 5 (A) Mayor.
 6 (B) Clerk or clerk-treasurer.
 7 (C) Judge of the city court.
 8 (D) City-county council member or common council member.
 9 (7) Town offices:
 10 (A) Clerk-treasurer.
 11 (B) Judge of the town court.
 12 (C) Town council member.
 13 **(8) School board offices.**
 14 (h) The political party offices with candidates for election shall be
 15 placed on the primary election ballot in the following order after the
 16 offices described in subsection (g):
 17 (1) Precinct committeeman.
 18 (2) State convention delegate.
 19 (i) The local offices to be elected at the primary election shall be
 20 placed on the primary election ballot after the offices described in
 21 subsection (h).
 22 (j) The offices described in subsection (i) shall be placed as follows:
 23 (1) In a separate column on the ballot if voting is by paper ballot.
 24 (2) After the offices described in subsection (h) in the form
 25 specified in IC 3-11-13-11 if voting is by ballot card.
 26 (3) Either:
 27 (A) on a separate screen for each office or public question; or
 28 (B) after the offices described in subsection (h) in the form
 29 specified in IC 3-11-14-3.5;
 30 if voting is by an electronic voting system.
 31 SECTION 13. IC 3-10-8-1, AS AMENDED BY P.L.219-2013,
 32 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JANUARY 1, 2024]: Sec. 1. A special election shall be held in the
 34 following cases:
 35 (1) Whenever two (2) or more candidates for a federal, state,
 36 legislative, ~~or circuit or school board~~ office receive the ~~highest~~
 37 **greatest** and an equal number of votes for the office, except as
 38 provided in Article 5, Section 5 of the Constitution of the State of
 39 Indiana. ~~or in IC 20:~~
 40 (2) Whenever a vacancy occurs in the office of United States
 41 Senator, as provided in IC 3-13-3-1.
 42 (3) Whenever a vacancy occurs in the office of United States



- 1 Representative unless the vacancy occurs less than seventy-four
- 2 (74) days before a general election.
- 3 (4) Whenever a vacancy occurs in any local office the filling of
- 4 which is not otherwise provided by law.
- 5 (5) Whenever required by law for a public question.
- 6 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
- 7 recount commission under IC 3-12-11-18.
- 8 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
- 9 legislative office unless the vacancy occurs less than seventy-four
- 10 (74) days before a general election.

11 SECTION 14. IC 3-11-2-12, AS AMENDED BY P.L.109-2021,
 12 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2024]: Sec. 12. The following offices shall be placed on
 14 the general election ballot in the following order after the public
 15 questions described in section 10(a) of this chapter:

- 16 (1) Federal and state offices:
 - 17 (A) President and Vice President of the United States.
 - 18 (B) United States Senator.
 - 19 (C) Governor and lieutenant governor.
 - 20 (D) Secretary of state.
 - 21 (E) Auditor of state.
 - 22 (F) Treasurer of state.
 - 23 (G) Attorney general.
 - 24 (H) United States Representative.
- 25 (2) Legislative offices:
 - 26 (A) State senator.
 - 27 (B) State representative.
- 28 (3) Circuit offices and county judicial offices:
 - 29 (A) Judge of the circuit court, and unless otherwise specified
 - 30 under IC 33, with each division separate if there is more than
 - 31 one (1) judge of the circuit court.
 - 32 (B) Judge of the superior court, and unless otherwise specified
 - 33 under IC 33, with each division separate if there is more than
 - 34 one (1) judge of the superior court.
 - 35 (C) Judge of the probate court.
 - 36 (D) Prosecuting attorney.
 - 37 (E) Clerk of the circuit court.
- 38 (4) County offices:
 - 39 (A) County auditor.
 - 40 (B) County recorder.
 - 41 (C) County treasurer.
 - 42 (D) County sheriff.



- 1 (E) County coroner.
- 2 (F) County surveyor.
- 3 (G) County assessor.
- 4 (H) County commissioner.
- 5 (I) County council member.
- 6 (5) Township offices:
- 7 (A) Township assessor (only in a township referred to in
- 8 IC 36-6-5-1(d)).
- 9 (B) Township trustee.
- 10 (C) Township board member.
- 11 (D) Judge of the small claims court.
- 12 (E) Constable of the small claims court.
- 13 (6) City offices:
- 14 (A) Mayor.
- 15 (B) Clerk or clerk-treasurer.
- 16 (C) Judge of the city court.
- 17 (D) City-county council member or common council member.
- 18 (7) Town offices:
- 19 (A) Clerk-treasurer.
- 20 (B) Judge of the town court.
- 21 (C) Town council member.

(8) School board offices.

22 SECTION 15. IC 3-11-2-12.4, AS AMENDED BY P.L.109-2021,
23 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JANUARY 1, 2024]: Sec. 12.4. (a) This section applies whenever more
25 than one (1) candidate may be elected to an office.

26 (b) The office shall be placed on the general election ballot after the
27 offices described in section 12 of this chapter. ~~and before the offices~~
28 ~~described in section 12.9 of this chapter.~~

29 (c) Whenever candidates are to be elected to a county council, city
30 common council, or town council that includes both an at-large
31 member and a member representing a district, the candidates seeking
32 election as an at-large member shall be placed on the ballot before
33 candidates seeking to represent a district.

34 (d) The ballot shall contain a statement reading substantially as
35 follows above the name of the first candidate: "To vote for any
36 candidate for this office, you must make a voting mark for each
37 candidate you wish to vote for. A straight party vote will not count as
38 a vote for any candidate for this office."

39 SECTION 16. IC 3-11-2-12.9 IS REPEALED [EFFECTIVE
40 JANUARY 1, 2024]. ~~Sec. 12.9. (a) School board offices to be elected~~
41 ~~at the general election shall be placed on the general election ballot~~
42



1 after the offices described in section 12.4 of this chapter with each
2 candidate for the office designated as "nonpartisan".

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

7 (c) Whenever candidates are to be elected to a school board office
8 that includes both an at-large member and a member representing a
9 district, the candidates seeking election as an at-large member shall be
10 placed on the ballot before candidates seeking to represent a district.

11 SECTION 17. IC 3-11-2-13, AS AMENDED BY P.L.190-2011,
12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2024]: Sec. 13. (a) The following offices shall be placed
14 on the general election ballot in the following order after the offices
15 described in section ~~12.9~~ 12.4 of this chapter:

16 (1) Retention of a justice of the supreme court.

17 (2) Retention of a judge of the court of appeals.

18 (3) Retention of the judge of the tax court.

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

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

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

28 SECTION 18. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,
29 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JANUARY 1, 2024]: Sec. 4. (a) Except as provided in subsection (b),
31 a ballot card voting system must permit a voter to vote:

32 (1) except at a primary election, a straight party ticket for all of
33 the candidates of one (1) political party by a single voting mark
34 on each ballot card;

35 (2) for one (1) or more candidates of each political party or
36 independent candidates, or for one (1) or more school board
37 candidates nominated by petition;

38 (3) a split ticket for the candidates of different political parties
39 and for independent candidates; or

40 (4) a straight party ticket and then split that ticket by casting
41 individual votes for candidates of another political party or
42 independent candidate.



1 (b) A ballot card voting system must require that a voter who wishes
 2 to cast a ballot for a candidate for election to an at-large district to
 3 which more than one **(1)** person may be elected, on a:

- 4 (1) county council;
 5 (2) city common council;
 6 (3) town council; **or**
 7 (4) township board; **or**
 8 **(5) school board;**

9 make a voting mark for each individual candidate for whom the voter
 10 wishes to cast a vote. The ballot card voting system may not count any
 11 straight party ticket voting mark as a vote for any candidate for an
 12 office described by this subsection.

13 (c) A ballot card voting system must permit a voter to vote:

- 14 (1) for all candidates for presidential electors and alternate
 15 presidential electors of a political party or an independent ticket
 16 by making a single voting mark; and
 17 (2) for or against a public question on which the voter may vote.

18 SECTION 19. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
 19 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2024]: Sec. 10. (a) Except as provided in subsection (b),
 21 an electronic voting system must permit a voter to vote:

- 22 (1) except at a primary election, a straight party ticket for all the
 23 candidates of one (1) political party by touching the device of that
 24 party;
 25 (2) for one (1) or more candidates of each political party or
 26 independent candidates, or for one (1) or more **school board**
 27 candidates nominated by petition;
 28 (3) a split ticket for the candidates of different political parties
 29 and for independent candidates; or
 30 (4) a straight party ticket and then split that ticket by casting
 31 individual votes for candidates of another political party or
 32 independent candidates.

33 (b) An electronic voting system must require that a voter who
 34 wishes to cast a ballot for a candidate for election to an at-large district
 35 to which more than one **(1)** person may be elected, on a:

- 36 (1) county council;
 37 (2) city common council;
 38 (3) town council; **or**
 39 (4) township board; **or**
 40 **(5) school board;**

41 make a voting mark for each individual candidate for whom the voter
 42 wishes to cast a vote. The electronic voting system may not count any



1 straight party ticket voting mark as a vote for any candidate for an
2 office described by this subsection.

3 (c) An electronic voting system must permit a voter to vote:

4 (1) for as many candidates for an office as the voter may vote for,
5 but no more;

6 (2) for or against a public question on which the voter may vote,
7 but no other; and

8 (3) for all the candidates for presidential electors and alternate
9 presidential electors of a political party or an independent ticket
10 by making a single voting mark.

11 SECTION 20. IC 3-11-13-11, AS AMENDED BY P.L.193-2021,
12 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2024]: Sec. 11. (a) The ballot information, whether
14 placed on the ballot card or on the marking device, must be in the order
15 of arrangement provided for ballots under this section.

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

20 (1) print all offices and questions on a single ballot card; and

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

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

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

33 (e) The offices and public questions on the general election ballot
34 must be placed on the ballot in the order listed in IC 3-11-2-12,
35 IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), ~~IC 3-11-2-12.9(a),~~
36 ~~IC 3-11-2-12.9(c),~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),
37 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). The offices and
38 public questions may be listed in a continuous column either vertically
39 or horizontally and on a number of separate pages.

40 (f) The name of each office must be printed in a uniform size in bold
41 type. A statement reading substantially as follows must be placed
42 immediately below the name of the office and above the name of the



- 1 first candidate:
- 2 (1) "Vote for one (1) only.", if only one (1) candidate is to be
- 3 elected to the office.
- 4 (2) "Vote for not more than (insert the number of candidates to be
- 5 elected) candidate(s) for this office. To vote for any candidate for
- 6 this office, you must make a voting mark for each candidate you
- 7 wish to vote for. A straight party vote will not count as a vote for
- 8 any candidate for this office.", if more than one (1) candidate is to
- 9 be elected to the office.
- 10 (g) Below the name of the office and the statement required by
- 11 subsection (f), the names of the candidates for each office must be
- 12 grouped together in the following order:
- 13 (1) The major political party whose candidate received the highest
- 14 number of votes in the county for secretary of state at the last
- 15 election is listed first.
- 16 (2) The major political party whose candidate received the second
- 17 highest number of votes in the county for secretary of state is
- 18 listed second.
- 19 (3) All other political parties listed in the order that the parties'
- 20 candidates for secretary of state finished in the last election are
- 21 listed after the party listed in subdivision (2).
- 22 (4) If a political party did not have a candidate for secretary of
- 23 state in the last election or a nominee is an independent candidate
- 24 or independent ticket (described in IC 3-11-2-6), the party or
- 25 candidate is listed after the parties described in subdivisions (1),
- 26 (2), and (3).
- 27 (5) If more than one (1) political party or independent candidate
- 28 or ticket described in subdivision (4) qualifies to be on the ballot,
- 29 the parties, candidates, or tickets are listed in the order in which
- 30 the party filed its petition of nomination under IC 3-8-6-12.
- 31 (6) A space for write-in voting is placed after the candidates listed
- 32 in subdivisions (1) through (5), if required by law.
- 33 (7) The name of a write-in candidate may not be listed on the
- 34 ballot.
- 35 (h) The names of the candidates grouped in the order established by
- 36 subsection (g) must be printed in type with uniform capital letters and
- 37 have a uniform space between each name. The name of the candidate's
- 38 political party, or the word "Independent" if the:
- 39 (1) candidate; or
- 40 (2) ticket of candidates for:
- 41 (A) President and Vice President of the United States; or
- 42 (B) governor and lieutenant governor;



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

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

- 6 (1) under the name of the office that the candidates are seeking;
- 7 (2) in the order established by subsection (g); and
- 8 (3) within the political party, in alphabetical order according to
9 surname.

10 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) of ANY party for this office."

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

- 16 ~~(1) under the name of the office that the candidates are seeking;~~
- 17 ~~and~~
- 18 ~~(2) in alphabetical order according to surname.~~

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

23 ~~(k) (j)~~ The following information must be placed at the top of the
24 ballot before the first public question is listed:

- 25 (1) The cautionary statement described in IC 3-11-2-7.
- 26 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
27 and IC 3-11-2-10(e).

28 ~~(k)~~ **(k)** The ballot must include a single connectable arrow, circle,
29 oval, or square, or a voting position for voting a straight party or an
30 independent ticket (described in IC 3-11-2-6) by one (1) mark as
31 required by section 14 of this chapter, and the single connectable
32 arrow, circle, oval, or square, or the voting position for casting a
33 straight party or an independent ticket ballot must be identified by:

- 34 (1) the name of the political party or independent ticket
35 (described in IC 3-11-2-6); and
- 36 (2) immediately below or beside the political party's or
37 independent ticket's name, the device of that party or ticket
38 (described in IC 3-11-2-5).

39 The name and device of each political party or independent ticket must
40 be of uniform size and type and arranged in the order established by
41 subsection (g) for listing candidates under each office. The instructions
42 described in IC 3-11-2-10(c) for voting a straight party ticket and the



1 statement concerning presidential electors required under IC 3-10-4-3
 2 must be placed on the ballot label. The instructions for voting a straight
 3 party ticket must include the statement: "If you do not wish to vote a
 4 straight party ticket, do not make a mark in this section and proceed to
 5 voting the ballot by office."

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

12 ~~(m)~~ **(m)** The requirements in this section:

13 (1) do not replace; and

14 (2) are in addition to;

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

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

20 ~~(p)~~ **(o)** This subsection applies to an optical scan ballot that does not
 21 list:

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

23 (2) the text of public questions;

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

27 SECTION 21. IC 3-11-14-3.5, AS AMENDED BY P.L.193-2021,
 28 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2024]: Sec. 3.5. (a) Each county election board shall
 30 have the names of all candidates for all elected offices, political party
 31 offices, and public questions printed on ballot labels for use in an
 32 electronic voting system as provided in this chapter.

33 (b) The county may:

34 (1) print all offices and public questions on a single ballot label;
 35 and

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

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

40 (d) The nominees of a political party or an independent candidate
 41 or independent ticket (described in IC 3-11-2-6) nominated by
 42 petitioners must be listed on the ballot label with the name and device



1 set forth on the certification or petition. The circle containing the
 2 device may be of any size that permits a voter to readily identify the
 3 device. IC 3-11-2-5 applies if the certification or petition does not
 4 include a name or device, or if the same device is selected by two (2)
 5 or more parties or petitioners.

6 (e) The ballot labels must list the offices and public questions on the
 7 general election ballot in the order listed in IC 3-11-2-12,
 8 IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), ~~IC 3-11-2-12.9(a),~~
 9 ~~IC 3-11-2-12.9(c),~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),
 10 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). Each office and
 11 public question may have a separate screen, or the offices and public
 12 questions may be listed in a continuous column either vertically or
 13 horizontally.

14 (f) The name of each office must be printed in a uniform size in bold
 15 type. A statement reading substantially as follows must be placed
 16 immediately below the name of the office and above the name of the
 17 first candidate:

18 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 19 elected to the office.

20 (2) "Vote for not more than (insert the number of candidates to be
 21 elected) candidate(s) for this office. To vote for any candidate for
 22 this office, you must make a voting mark for each candidate you
 23 wish to vote for. A straight party vote will not count as a vote for
 24 any candidate for this office.", if more than one (1) candidate is to
 25 be elected to the office.

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

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

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

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

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



- 1 (5) If more than one (1) political party or independent candidate
 2 or ticket described in subdivision (4) qualifies to be on the ballot,
 3 the parties, candidates, or tickets are listed in the order in which
 4 the party filed its petition of nomination under IC 3-8-6-12.
- 5 (6) A space for write-in voting is placed after the candidates listed
 6 in subdivisions (1) through (5), if required by law. A space for
 7 write-in voting for an office is not required if there are no
 8 declared write-in candidates for that office. However, procedures
 9 must be implemented to permit write-in voting for candidates for
 10 federal offices.
- 11 (7) The name of a write-in candidate may not be listed on the
 12 ballot.
- 13 (h) The names of the candidates grouped in the order established by
 14 subsection (g) must be printed in type with uniform capital letters and
 15 have a uniform space between each name. The name of the candidate's
 16 political party, or the word "Independent", if the:
 17 (1) candidate; or
 18 (2) ticket of candidates for:
 19 (A) President and Vice President of the United States; or
 20 (B) governor and lieutenant governor;
 21 is independent, must be placed immediately below or beside the name
 22 of the candidate and must be printed in uniform size and type.
- 23 (i) All the candidates of the same political party for election to
 24 at-large seats on the fiscal or legislative body of a political subdivision
 25 must be grouped together:
 26 (1) under the name of the office that the candidates are seeking;
 27 (2) in the party order established by subsection (g); and
 28 (3) within the political party, in alphabetical order according to
 29 surname.
- 30 A statement reading substantially as follows must be placed
 31 immediately below the name of the office and above the name of the
 32 first candidate: "Vote for not more than (insert the number of
 33 candidates to be elected) candidate(s) of ANY party for this office."
- 34 (j) Candidates for election to at-large seats on the governing body
 35 of a school corporation must be grouped:
 36 (1) under the name of the office that the candidates are seeking;
 37 and
 38 (2) in alphabetical order according to surname.
- 39 A statement reading substantially as follows must be placed
 40 immediately below the name of the office and above the name of the
 41 first candidate: "Vote for not more than (insert the number of
 42 candidates to be elected) candidate(s) for this office."



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

4 ~~(l)~~ **(k)** The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
5 and IC 3-11-2-10(e) may be:

6 (1) placed on the ballot label; or

7 (2) posted in a location within the voting booth that permits the
8 voter to easily read the instructions.

9 ~~(m)~~ **(l)** Except as provided in section 14.5 of this chapter, the ballot
10 label must include a touch sensitive point or button for voting a straight
11 political party or independent ticket (described in IC 3-11-2-6) by one
12 (1) touch, and the touch sensitive point or button must be identified by:

13 (1) the name of the political party or independent ticket; and

14 (2) immediately below or beside the political party's or
15 independent ticket's name, the device of that party or ticket
16 (described in IC 3-11-2-5).

17 The name and device of each party or ticket must be of uniform size
18 and type, and arranged in the order established by subsection (g) for
19 listing candidates under each office. The instructions described in
20 IC 3-11-2-10(c) for voting a straight party ticket and the statement
21 concerning presidential electors required under IC 3-10-4-3 must be
22 placed on the ballot label. The instructions for voting a straight party
23 ticket must include the statement: "If you do not wish to vote a straight
24 party ticket, press "NEXT" (or replace "NEXT" with the term used by
25 that voting system to permit a voter to skip a ballot screen) to continue
26 voting."

27 ~~(n)~~ **(m)** A public question must be in the form described in
28 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
29 point or button must be used instead of a square. Except as expressly
30 authorized or required by statute, a county election board may not print
31 a ballot label that contains language concerning the public question
32 other than the language authorized by a statute.

33 ~~(o)~~ **(n)** The requirements in this section:

34 (1) do not replace; and

35 (2) are in addition to;

36 any other requirements in this title that apply to ballots for electronic
37 voting systems.

38 ~~(p)~~ **(o)** The procedure described in IC 3-11-2-16 must be used when
39 a ballot label does not comply with the requirements imposed by this
40 title or contains another error or omission that might result in confusion
41 or mistakes by voters.

42 SECTION 22. IC 3-11-14-12 IS REPEALED [EFFECTIVE



1 JANUARY 1, 2024]. Sec. 12: In school district elections, the county
 2 election board shall arrange the names of candidates in alphabetical
 3 order on an electronic voting system as required by section 3.5 of this
 4 chapter.

5 SECTION 23. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,
 6 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2024]: Sec. 7. (a) This subsection applies whenever a
 8 voter:

- 9 (1) votes a straight party ticket; and
 10 (2) votes only for one (1) or more individual candidates who are
 11 all of the same political party as the straight ticket vote.

12 Except as provided in subsection (d) or (e), the straight ticket vote shall
 13 be counted and the individual candidate votes may not be counted.

14 (b) This subsection applies whenever:

- 15 (1) a voter has voted a straight party ticket for the candidates of
 16 one (1) political party;
 17 (2) only one (1) person may be elected to an office; and
 18 (3) the voter has voted for one (1) individual candidate for the
 19 office described in subdivision (2) who is:

- 20 (A) a candidate of a political party other than the party for
 21 which the voter voted a straight ticket; or
 22 (B) an independent candidate or declared write-in candidate
 23 for the office.

24 If the voter has voted for one (1) individual candidate for the office
 25 described in subdivision (2), the individual candidate vote for that
 26 office shall be counted, the straight party ticket vote for that office may
 27 not be counted, and the straight party ticket votes for other offices on
 28 the ballot shall be counted.

29 (c) This subsection applies whenever:

- 30 (1) a voter has voted a straight party ticket for the candidates of
 31 one (1) political party; and
 32 (2) the voter has voted for more individual candidates for the
 33 office than the number of persons to be elected to that office.

34 The individual candidate votes for that office may not be counted, the
 35 straight party ticket vote for that office may not be counted, and the
 36 straight party ticket votes for other offices on the ballot shall be
 37 counted.

38 (d) This subsection applies whenever:

- 39 (1) a voter has voted a straight party ticket for the candidates of
 40 one (1) political party;
 41 (2) more than one (1) person may be elected to an office; and
 42 (3) the voter has voted for individual candidates for the office



- 1 described in subdivision (2) who are:
 2 (A) independent candidates or declared write-in candidates;
 3 (B) candidates of a political party other than the political party
 4 for which the voter cast a straight party ticket under
 5 subdivision (1); or
 6 (C) a combination of candidates described in clauses (A) and
 7 (B).

8 The individual votes cast by the voter for the office for the independent
 9 candidates, declared write-in candidates, and the candidates of a
 10 political party other than the political party for which the voter cast a
 11 straight party ticket shall be counted unless the total number of these
 12 individual votes is greater than the number of persons to be elected to
 13 the office. The straight party ticket votes for the office shall not be
 14 counted. The straight party ticket votes for other offices on the voter's
 15 ballot shall be counted.

- 16 (e) This subsection applies whenever:
 17 (1) a voter has voted a straight party ticket for the candidates of
 18 one (1) political party;
 19 (2) more than one (1) person may be elected to an office; and
 20 (3) the voter has voted for individual candidates for the office
 21 described in subdivision (2) who are:
 22 (A) independent candidates, declared write-in candidates, or
 23 candidates of a political party other than the political party for
 24 which the voter cast a straight party ticket under subdivision
 25 (1); and
 26 (B) candidates of the same political party for which the voter
 27 cast a straight party ticket under subdivision (1).

28 The individual votes cast by the voter for the office for the independent
 29 candidates, the declared write-in candidates, and the candidates of a
 30 political party other than the political party for which the voter cast a
 31 straight party ticket, and the candidates of the political party for which
 32 the voter cast a straight party ticket shall be counted unless the total
 33 number of these individual votes is greater than the number of persons
 34 to be elected to the office. The straight party ticket votes for the office
 35 shall not be counted. The straight party ticket votes for other offices on
 36 the voter's ballot shall be counted.

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



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

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

8 SECTION 24. IC 3-12-9-3, AS AMENDED BY P.L.230-2005,
 9 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2024]: Sec. 3. Whenever a circuit court clerk receives
 11 certification that a tie vote at an election for a local office or a school
 12 board office occurred, the clerk shall immediately send a written notice
 13 of the tie vote to **the following**:

14 (1) **If the tie vote occurred in an election for a local office**, the
 15 fiscal body of the affected political subdivision. ~~or~~

16 (2) If the tie vote occurred in an election for a circuit office in a
 17 circuit that includes more than one (1) county, to the fiscal body
 18 of each county of the circuit.

19 (3) **If the tie vote occurred in an election for a school board**
 20 **office, the school board of the affected school corporation.**

21 SECTION 25. IC 3-12-9-4, AS AMENDED BY P.L.85-2017,
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2024]: Sec. 4. (a) **This section does not apply if a tie**
 24 **vote occurred in an election for a school board office.**

25 ~~(a)~~ (b) The fiscal body of a political subdivision that receives notice
 26 under section 3 of this chapter shall resolve the tie vote by electing a
 27 person to fill the office not later than December 31 following the
 28 election at which the tie vote occurred. The fiscal body shall select one
 29 (1) of the candidates who was involved in the tie vote to fill the office.

30 ~~(b)~~ (c) If a tie vote has occurred in an election for a circuit office in
 31 a circuit that contains more than one (1) county, the fiscal bodies of the
 32 counties shall meet in joint session at the county seat of the county that
 33 contains the greatest percentage of population of the circuit to select
 34 one (1) of the candidates who was involved in the tie vote in order to
 35 fill the office in accordance with this section.

36 ~~(c)~~ (d) If a tie vote has occurred for the election of more than one (1)
 37 at-large seat on a legislative or fiscal body, the fiscal body shall select
 38 the number of individuals necessary to fill each of the at-large seats for
 39 which the tie vote occurred. However, a member of a fiscal body who
 40 runs for reelection and is involved in a tie vote may not cast a vote
 41 under this section.

42 ~~(d)~~ (e) The executive of the political subdivision (other than a town)



1 or a school corporation) may cast the deciding vote to break a tie vote
 2 in a fiscal body acting under this section. The clerk-treasurer of the
 3 town may cast the deciding vote to break a tie vote in a town fiscal
 4 body acting under this section. ~~A tie vote in the fiscal body of a school~~
 5 ~~corporation under this section shall be broken under IC 20-23.~~

6 SECTION 26. IC 3-12-9-5 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. Whenever a tie
 8 vote at an election for:

- 9 (1) a state office; or
 10 (2) a local office; or
 11 ~~(3) a school board office;~~

12 occurs, the incumbent public official remains in office in accordance
 13 with Article 15, Section 3 of the Constitution of the State of Indiana
 14 until a successor is elected under this chapter and qualified.

15 SECTION 27. IC 3-13-10.5 IS ADDED TO THE INDIANA CODE
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2024]:

18 **Chapter 10.5. School Corporation Governing Body; Resolving**
 19 **Tie Votes; Filling Vacancies**

20 **Sec. 1. As used in this chapter, "governing body" refers to either**
 21 **of the following:**

- 22 (1) **The governing body of a school corporation.**
 23 (2) **The school advisory body of a school corporation.**

24 **Sec. 2. (a) This section applies if the governing body receives**
 25 **notice under IC 3-12-9-3 that a tie vote has occurred in the election**
 26 **of a member of the governing body.**

27 **(b) If a tie vote occurs at an election for a member of the**
 28 **governing body and one (1) of the candidates involved in the tie**
 29 **vote is an incumbent member of the governing body, the incumbent**
 30 **member remains in office in accordance with Article 15, Section 3**
 31 **of the Constitution of the State of Indiana until a successor is**
 32 **elected and qualified as provided in this section.**

33 **(c) The members of the governing body shall resolve the tie vote**
 34 **by electing one (1) individual from among the candidates who was**
 35 **involved in the tie vote to fill the office.**

36 **(d) If a tie vote has occurred for the election of more than one**
 37 **(1) at-large seat on the governing body, the governing body shall**
 38 **select the number of individuals necessary to fill each of the**
 39 **at-large seats for which the tie vote occurred from among the**
 40 **candidates who were involved in the tie vote.**

41 **(e) If a member of the governing body is one (1) of the**
 42 **candidates involved in the tie vote, that member may not cast a**



1 vote under this section.

2 (f) The governing body shall act under this section not later than
3 December 31 following the election at which the tie vote occurred.

4 Sec. 3. (a) A vacancy on the governing body in an office that was
5 last held by an individual elected or selected as a candidate of a
6 major political party of Indiana shall be filled by a caucus under
7 IC 3-13-11.

8 (b) A vacancy on the governing body in an office that was last
9 held by an individual elected as a candidate other than as a
10 candidate of a major political party of Indiana shall be filled as
11 provided in IC 20-26-4.

12 SECTION 28. IC 20-23-4-29.1, AS ADDED BY P.L.179-2011,
13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2024]: Sec. 29.1. (a) This section applies to each school
15 corporation.

16 (b) If a plan provides for election of members of the governing
17 body, the members of the governing body shall be elected at a general
18 election. Each candidate must file a petition of nomination in
19 accordance with IC 3-8-2.5 that is signed by the candidate and by ten
20 (10) registered voters residing within the boundaries of the community
21 school corporation. The filing must be made within the time specified
22 by IC 3-8-2.5-4. The following apply to the election of members of
23 the governing body:

24 (1) The plan determines whether members are elected:

25 (A) by all the voters of the school corporation;

26 (B) by all the voters of the school corporation from
27 residence districts; or

28 (C) solely by the voters of each election district established
29 under the plan.

30 (2) IC 3 governs the nomination and election of members of
31 the governing body. A candidate must be nominated as
32 provided in IC 3-8-2 or IC 3-8-6, whichever is applicable to
33 the particular candidate.

34 (c) All nominations shall be listed for each office in the form
35 prescribed by IC 3-11-2; but without party designation. Voting and
36 tabulation of votes shall be conducted in the same manner as voting
37 and tabulation in general elections are conducted. The precinct election
38 boards serving in each county shall conduct the election for members
39 of the governing body. If a school corporation is located in more than
40 one (1) county, each county election board shall print the ballots
41 required for voters in that county to vote for candidates for members of
42 the governing body.



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

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

21 (f) If the plan provides that members of the governing body are to
 22 be elected from electoral districts solely by the voters of each district;
 23 nominees residing in each electoral district shall be placed on the ballot
 24 in the form prescribed by IC 3-11-2; without party designation. The
 25 ballot must state the number of members to be voted on from the
 26 electoral district. The candidates residing in the electoral district who
 27 receive the most votes are elected.

28 SECTION 29. IC 20-23-4-30, AS AMENDED BY P.L.193-2021,
 29 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JANUARY 1, 2024]: Sec. 30. (a) This section applies to
 31 each school corporation.

32 (b) If a tie vote occurs among any of the candidates, the tie vote
 33 shall be resolved ~~under IC 3-12-9-4.~~ **as provided in IC 3-13-10.5-2.**

34 (c) If after the first governing body takes office, fewer candidates
 35 have been elected to the school board than there were members to be
 36 elected, the governing body shall determine not later than noon
 37 December 31 following the election which incumbent member or
 38 members continue to hold office under Article 15, Section 3 of the
 39 Constitution of the State of Indiana until a successor is elected and
 40 qualified. ~~However,~~

41 (d) If there is a vacancy on the governing body, whether the
 42 vacating member was elected or appointed, ~~the remaining members of~~



1 the governing body; whether or not a majority of the governing body;
 2 shall by a majority vote fill the vacancy by appointing a person from
 3 within the boundaries of the community school corporation to serve for
 4 the term or balance of the term. An individual appointed under this
 5 subsection must possess the qualifications provided for a regularly
 6 elected or appointed governing body member filling the office. If:

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

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

11 the judge of the circuit court in the county where the majority of
 12 registered voters of the school corporation reside shall make the
 13 appointment. **the vacancy shall be filled as provided in**
 14 **IC 3-13-10.5-3.**

15 (d) (e) A vacancy in the governing body occurs if a member ceases
 16 to be a resident of ~~any~~ **the** community school corporation. A vacancy
 17 does not occur when the member moves from a district of the school
 18 corporation from which the member was elected or appointed if the
 19 member continues to be a resident of the school corporation.

20 (e) (f) At the first general election in which members of the
 21 governing body are elected:

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

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

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

30 (f) (g) Elected governing body members take office and assume
 31 their duties on the date set in the school corporation's organization plan.
 32 The date set in the organization plan for an elected member of the
 33 governing body to take office may not be more than fourteen (14)
 34 months after the date of the member's election. If the school
 35 corporation's organization plan does not set a date for an elected
 36 member of the governing body to take office, the member takes office
 37 January 1 immediately after the member's election.

38 SECTION 30. IC 20-23-4-35, AS AMENDED BY P.L.169-2022,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2024]: Sec. 35. (a) The governing body of a school
 41 corporation may be organized under this section.

42 (b) The governing body consists of seven (7) members, elected as



- 1 follows:
- 2 (1) Four (4) members elected from districts, with one (1) member
- 3 serving from each election district. A member elected under this
- 4 subdivision must be:
- 5 (A) a resident of the election district from which the member
- 6 is elected; and
- 7 (B) voted upon by only the registered voters residing within
- 8 the election district and voting at a governing body election.
- 9 (2) Three (3) members, who are voted upon by all the registered
- 10 voters residing within the school corporation and voting at a
- 11 governing body election, elected under this subdivision. The
- 12 governing body shall establish three (3) residential districts as
- 13 follows:
- 14 (A) One (1) residential district must be the township that has
- 15 the greatest population within the school corporation.
- 16 (B) Two (2) residential districts must divide the remaining
- 17 area within the school corporation.
- 18 Only one (1) member who resides within a particular residential
- 19 district established under this subdivision may serve on the
- 20 governing body at a time.
- 21 (c) A member of the governing body who is:
- 22 (1) elected from an election or a residential district; or
- 23 (2) appointed to fill a vacancy from an election or a residential
- 24 district;
- 25 must reside within the boundaries of the district the member represents.
- 26 (d) A vacancy on the governing body shall be filled ~~by the~~
- 27 ~~governing body as soon as practicable after the vacancy occurs. A~~
- 28 ~~member chosen by the governing body to fill a vacancy holds office for~~
- 29 ~~the remainder of the unexpired term: as provided in IC 3-13-10.5-3.~~
- 30 (e) The members of the governing body serving at the time a plan
- 31 is amended under this section shall establish the election and
- 32 residential districts described in subsection (b).
- 33 (f) The election districts described in subsection (b)(1):
- 34 (1) shall be drawn on the basis of precinct lines;
- 35 (2) may not cross precinct lines; and
- 36 (3) as nearly as practicable, be of equal population, with the
- 37 population of the largest exceeding the population of the smallest
- 38 by not more than fifteen percent (15%).
- 39 (g) The residential districts described in subsection (b)(2) may:
- 40 (1) be drawn in any manner considered appropriate by the
- 41 governing body; and
- 42 (2) be drawn along township lines.



1 (h) The governing body shall certify the districts that are established
 2 under subsections (f) and (g), amended under subsection (e), or
 3 recertified under section 35.5 of this chapter to:

4 (1) the state board; and

5 (2) the circuit court clerk of each county in which the school
 6 corporation is located as provided in section 35.5 of this chapter.

7 (i) The governing body shall designate:

8 (1) three (3) of the districts established under this section to be
 9 elected at the first school board election that occurs after the
 10 effective date of the plan; and

11 (2) the remaining four (4) districts to be elected at the second
 12 school board election that occurs after the effective date of the
 13 plan.

14 (j) The limitations set forth in this section are part of the plan, but
 15 do not have to be specifically set forth in the plan. The plan must be
 16 construed, if possible, to comply with this chapter. If a provision of the
 17 plan or an application of the plan violates this chapter, the invalidity
 18 does not affect the other provisions or applications of the plan that can
 19 be given effect without the invalid provision or application. The
 20 provisions of the plan are severable.

21 (k) IC 3-5-10 applies to a plan established under this section.

22 SECTION 31. IC 20-23-4-44, AS AMENDED BY P.L.104-2022,
 23 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JANUARY 1, 2024]: Sec. 44. (a) This section applies
 25 only to a school corporation with territory in a county having a
 26 population of more than one hundred eighty-five thousand (185,000)
 27 and less than two hundred thousand (200,000).

28 (b) ~~This section applies~~ If there is a

29 (1) tie vote in an election for a member of the governing body of
 30 a school corporation, ~~or~~

31 (2) ~~vacancy on the governing body of a school corporation.~~

32 **the tie vote shall be resolved as provided in IC 3-13-10.5-2.**

33 (c) ~~Notwithstanding any other law, If a tie vote occurs among any~~
 34 ~~of the candidates for the governing body or a vacancy occurs on the~~
 35 ~~governing body, the remaining members of the governing body, even~~
 36 ~~if the remaining members do not constitute a majority of the governing~~
 37 ~~body, shall by a majority vote of the remaining members:~~

38 (1) ~~select one (1) of the candidates who shall be declared and~~
 39 ~~certified elected; or~~

40 (2) ~~fill the vacancy by appointing an individual to fill the vacancy.~~

41 **the vacancy shall be filled as provided in IC 3-13-10.5-3.**

42 (d) ~~An individual appointed to fill a vacancy under subsection~~



1 (c)(2):
2 (1) must satisfy all the qualifications required of a member of the
3 governing body; and
4 (2) shall fill the remainder of the unexpired term of the vacating
5 member.
6 (e) If a tie vote occurs among the remaining members of the
7 governing body or the governing body fails to act within thirty (30)
8 days after the election or the vacancy occurs, the fiscal body (as
9 defined in IC 3-5-2-25) of the township in which the greatest
10 percentage of population of the school district resides shall break the
11 tie or make the appointment. A member of the fiscal body who was a
12 candidate and is involved in a tie vote may not cast a vote under this
13 subsection.
14 (f) If the fiscal body of a township is required to act under this
15 section and a vote in the fiscal body results in a tie, the deciding vote
16 to break the tie vote shall be cast by the executive.
17 SECTION 32. IC 20-23-7-8.1, AS AMENDED BY P.L.219-2013,
18 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2024]: Sec. 8.1. (a) The registered voters of the
20 metropolitan school district shall elect the members of the metropolitan
21 board of education at general elections held biennially, beginning with
22 the next general election that is held more than sixty (60) days after the
23 creation of the metropolitan school district as provided in this chapter.
24 (b) Each nominee for the board must file a petition of nomination
25 signed by the nominee and by ten (10) registered voters residing in the
26 same board member district as the nominee. The petition must be filed
27 in accordance with IC 3-8-2.5 with the circuit court clerk of each
28 county in which the metropolitan school district is located.
29 (c) Nominees for the board shall be listed on the general election
30 ballot:
31 (1) in the form prescribed by IC 3-11-2;
32 (2) by board member districts; and
33 (3) without party designation.
34 The ballot must state the number of board members to be voted on and
35 the maximum number of members that may be elected from each board
36 member district as provided under section 5 of this chapter. A ballot
37 that contains more votes than the maximum number allowed from a
38 board member district is invalid.
39 (d) The precinct election boards in each county serving at the
40 general election shall conduct the election for school board members.
41 (e) Voting and tabulation of votes shall be conducted in accordance
42 with IC 3; and the candidates who receive the most votes are elected to



- 1 the board:
- 2 (f) If there are more candidates from a particular board member
- 3 district than may be elected from the board member district under
- 4 section 5 of this chapter:
- 5 (1) the number of candidates elected is the greatest number that
- 6 may be elected from the board member district;
- 7 (2) the candidates elected are those who, among the candidates
- 8 from the board member district, receive the most votes; and
- 9 (3) the other candidates from the board member district are
- 10 eliminated.
- 11 (b) **IC 3 governs the nomination and election of candidates. A**
- 12 **candidate must be nominated as provided in IC 3-8-2 or IC 3-8-6,**
- 13 **whichever is applicable to the particular candidate.**
- 14 (g) (c) If there is a tie vote among the candidates for the board, the
- 15 judge of the circuit court in the county where the majority of the
- 16 registered voters of the metropolitan school district reside shall select
- 17 one (1) of the candidates who shall be declared and certified elected:
- 18 **the tie vote shall be resolved as provided in IC 3-13-10.5-2.**
- 19 (h) (d) If, at any time after the first board member election, A
- 20 vacancy on the board **that** occurs for any reason including an
- 21 insufficient number of petitions for candidates being filed; and
- 22 regardless of whether the vacating member was elected or appointed;
- 23 the remaining members of the board; whether or not a majority of the
- 24 board; shall by a majority vote fill the vacancy by:
- 25 (1) appointing a person from the board member district from
- 26 which the person who vacated the board was elected; or
- 27 (2) if the person was appointed; appointing a person from the
- 28 board member district from which the last elected predecessor of
- 29 the person was elected:
- 30 If a majority of the remaining members of the board is unable to agree
- 31 or the board fails to act within thirty (30) days after a vacancy occurs;
- 32 the judge of the circuit court in the county where the majority of
- 33 registered voters of the metropolitan school district reside shall make
- 34 the appointment: **shall be filled as provided in IC 3-13-10.5-3.**
- 35 (i) At a general election held on the earlier of:
- 36 (1) more than sixty (60) days after an elected board member
- 37 vacates membership on the board; or
- 38 (2) immediately before the end of the term for which the vacating
- 39 member was elected;
- 40 a successor to a board member appointed under subsection (h) shall be
- 41 elected. Unless the successor takes office at the end of the term of the
- 42 vacating member; the member shall serve only for the balance of the



1 vacating member's term. In an election for a successor board member
 2 to fill a vacancy for a two (2) year balance of a term, candidates for
 3 board membership need not file for or with reference to the vacancy.
 4 However, as required by IC 3-11-2, candidates for at-large seats must
 5 be distinguished on the ballot from candidates for district seats. If there
 6 is more than one (1) at-large seat on the ballot due to this vacancy, the
 7 elected candidate who receives the fewest votes at the election at which
 8 the successor is elected shall serve for a two (2) year term.

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

14 (k) (f) Board members shall be elected for four (4) year terms after
 15 the first election and shall take office on the date set in the school
 16 corporation's organization plan. The date set in the organization plan
 17 for an elected member of the governing body to take office may not be
 18 more than fourteen (14) months after the date of the member's election.
 19 If the school corporation's organization plan does not set a date for an
 20 elected member of the governing body to take office, the member takes
 21 office January 1 immediately following the member's election.

22 SECTION 33. IC 20-23-10-8, AS AMENDED BY P.L.233-2015,
 23 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JANUARY 1, 2024]: Sec. 8. (a) The board members of a merged
 25 school corporation shall be elected at the first general election
 26 following the merged school corporation's creation, and vacancies shall
 27 be filled in accordance with ~~IC 20-23-4-30~~ **IC 3-13-10.5-3**.

28 (b) Until the first election under subsection (a), the board of trustees
 29 of the merged school corporation consists of the members of the
 30 governing body of a school corporation in the county.

31 (c) The first board of trustees shall select the name of the merged
 32 school corporation by a majority vote. The name may be changed by
 33 unanimous vote of the governing body of the merged school
 34 corporation.

35 SECTION 34. IC 20-23-12-3, AS AMENDED BY
 36 P.L.213-2018(ss), SECTION 16, IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3. (a) The
 38 emergency manager appointed by the distressed unit appeal board
 39 under IC 6-1.1-20.3 shall act as the governing body of the school
 40 corporation and has the powers set forth in IC 6-1.1-20.3-8.5, including
 41 the powers and duties of the governing body of the school corporation.
 42 The school corporation shall also have an advisory board that consists



1 of seven (7) members elected as follows:

2 ~~(1) On a nonpartisan basis:~~

3 ~~(2) in a general election in the county.~~

4 The advisory board is created to provide nonbinding recommendations
5 to the emergency manager.

6 (b) Six (6) of the members shall be elected from the school districts
7 drawn under section 4 of this chapter. 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 advisory
11 board, represents the interests of the entire school corporation.

12 (c) One (1) of the members elected:

13 (1) is the at-large member of the advisory board;

14 (2) may reside in any of the districts drawn under section 4 of this
15 chapter; and

16 (3) upon election and in conducting the business of the advisory
17 board, represents the interests of the entire school corporation.

18 (d) A per diem may not be paid to a member.

19 (e) The advisory board may hold a public meeting subject to the
20 limits on the number of meetings set forth in IC 6-1.1-20.3-6.8(d). The
21 advisory board is subject to IC 5-14-1.5 (the open door law) for these
22 meetings. The advisory board may hold additional meetings that are
23 authorized as executive sessions under IC 5-14-1.5 (the open door law)
24 as provided in IC 5-14-1.5-6.1. The advisory board is subject to the
25 public notice requirements of IC 5-14-1.5 (the open door law) for these
26 additional meetings. The records of the advisory board are subject to
27 IC 5-14-3 (access to public records).

28 SECTION 35. IC 20-23-12-5, AS AMENDED BY
29 P.L.213-2018(ss), SECTION 17, IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) The six (6)
31 members who are elected for a position on the advisory board
32 described under section 3(b) of this chapter are determined as follows:

33 (1) Each prospective candidate must file a nomination petition
34 with the board of elections and registration not earlier than one
35 hundred four (104) days and not later than noon seventy-four (74)
36 days before the election at which the members are to be elected
37 that includes the following information:

38 (A) The name of the prospective candidate.

39 (B) The district in which the prospective candidate resides.

40 (C) The signatures of at least one hundred (100) registered
41 voters residing in the school corporation.

42 (D) The fact that the prospective candidate is running for a



1 district position:
 2 (E) A certification that the prospective candidate meets the
 3 qualifications for candidacy imposed by this chapter. **shall be**
 4 **nominated as provided in IC 3-8-2 or IC 3-8-6, whichever**
 5 **is applicable to the particular candidate.**
 6 (2) Only eligible voters residing in the district may vote for a
 7 candidate.
 8 (3) ~~The candidate within each district who receives the greatest~~
 9 ~~number of votes in the district is elected. IC 3 governs the~~
 10 ~~nomination and election of members of the advisory board~~
 11 ~~under this subsection.~~
 12 (b) The at-large member elected under section 3(c) of this chapter
 13 is determined as follows:
 14 (1) Each prospective candidate must file a nomination petition
 15 with the clerk of the circuit court at least seventy-four (74) days
 16 before the election at which the at-large member is to be elected.
 17 The petition must include the following information:
 18 (A) The name of the prospective candidate.
 19 (B) The signatures of at least one hundred (100) registered
 20 voters residing within the school corporation.
 21 (C) The fact that the prospective candidate is running for the
 22 at-large position on the advisory board.
 23 (D) A certification that the prospective candidate meets the
 24 qualifications for candidacy imposed by this chapter. **shall be**
 25 **nominated as provided in IC 3-8-2 or IC 3-8-6, whichever**
 26 **is applicable to the candidate.**
 27 (2) Only eligible voters residing in the school corporation may
 28 vote for a candidate.
 29 (3) The candidate who:
 30 (A) runs for the at-large position on the advisory board; and
 31 (B) receives the greatest number of votes in the school
 32 corporation;
 33 is elected to the at-large position. **IC 3 governs the nomination**
 34 **and election of the member of the advisory board under this**
 35 **subsection.**
 36 SECTION 36. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011,
 37 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JANUARY 1, 2024]: Sec. 2.1. (a) ~~As used in this section, "county~~
 39 ~~election board" includes a board of elections and registration~~
 40 ~~established under IC 3-6-5.2.~~
 41 ~~(b)~~ (a) The voters of the school corporation shall elect the members
 42 of the governing body at a general election for a term of four (4) years.



1 The members shall be elected from the city at large without reference
2 to district.

3 (e) ~~(b)~~ Each candidate for election to the governing body must file
4 a petition of nomination with the county election board in each county
5 in which a school corporation subject to this chapter is located. The
6 petition of nomination must comply with IC 3-8-2.5 and the following
7 requirements:

8 (1) The petition must be signed by at least two hundred (200)
9 legal voters of the school corporation.

10 (2) Each petition may nominate only one (1) candidate.

11 (3) The number of petitions signed by a legal voter may not
12 exceed the number of school trustees to be elected. **shall be**
13 **nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is**
14 **applicable to the particular candidate.**

15 (d) (c) After all the petitions described in subsection (c) are filed
16 with the county election board, the board shall publish the names of
17 those nominated in accordance with IC 5-3-1 and shall certify the
18 nominations in the manner required by law. IC 3 governs the election
19 to the extent that it is not inconsistent with this chapter.

20 (e) The county election board shall prepare the ballot for the general
21 election at which members of the governing body are to be elected so
22 that the names of the candidates nominated appear on the ballot:

23 (1) in alphabetical order;

24 (2) without party designation; and

25 (3) in the form prescribed by IC 3-11-2.

26 (f) The county election board shall not publish or place on the ballot
27 the name of a candidate who is not eligible under this chapter for
28 membership on the governing body.

29 (g) (d) Each voter may vote for as many candidates as there are
30 members of the governing body to be elected.

31 SECTION 37. IC 20-23-14-3, AS AMENDED BY P.L.271-2013,
32 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JANUARY 1, 2024]: Sec. 3. (a) The governing body of the school
34 corporation consists of five (5) members. ~~elected on a nonpartisan~~
35 ~~basis.~~

36 (b) Three (3) of the members are elected from the school districts
37 referred to in section 4.5 of this chapter by eligible voters residing in
38 the school districts. 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.



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

- 2 (1) are elected by eligible voters residing in the school
3 corporation;
4 (2) are at-large members of the governing body; and
5 (3) upon election and in conducting the business of the governing
6 body, represent the interests of the entire school corporation.

7 SECTION 38. IC 20-23-14-5, AS AMENDED BY P.L.6-2012,
8 SECTION 127, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. To be eligible to be a
10 candidate for the governing body under this chapter, the following
11 apply:

12 (1) Each ~~prospective~~ candidate ~~must file a petition of nomination~~
13 ~~with the board of elections and registration not earlier than one~~
14 ~~hundred four (104) days and not later than noon seventy-four (74)~~
15 ~~days before the general election at which the members are to be~~
16 ~~elected. The petition of nomination must include the following:~~

17 (A) ~~The name of the prospective candidate.~~

18 (B) ~~Whether the prospective candidate is a district candidate~~
19 ~~or an at-large candidate.~~

20 (C) ~~A certification that the prospective candidate meets the~~
21 ~~qualifications for candidacy imposed under this chapter.~~

22 (D) ~~The signatures of at least one hundred (100) registered~~
23 ~~voters residing in the school corporation. **for election shall be**~~
24 ~~**nominated as provided in IC 3-8-2 or IC 3-8-6, whichever**~~
25 ~~**is applicable to the particular candidate.**~~

26 (2) Each ~~prospective~~ candidate for a district position must:

27 (A) reside in the district; and

28 (B) have resided in the district for at least the three (3) years
29 immediately preceding the election.

30 (3) Each ~~prospective~~ candidate for an at-large position must:

31 (A) reside in the school corporation; and

32 (B) have resided in the school corporation for at least the three
33 (3) years immediately preceding the election.

34 (4) Each ~~prospective~~ candidate (regardless of whether the
35 candidate is a district candidate or an at-large candidate) must:

36 (A) be a registered voter;

37 (B) have been a registered voter for at least the three (3) years
38 immediately preceding the election; and

39 (C) be a high school graduate or have received a:

40 (i) high school equivalency certificate; or

41 (ii) state general educational development (GED) diploma
42 under IC 20-20-6 (before its repeal) or IC 22-4.1-18.



1 (5) A prospective candidate may not:

2 (A) hold any other elective or appointive office; or

3 (B) have a pecuniary interest in any contract with the school
4 corporation or its governing body;

5 as prohibited by law.

6 SECTION 39. IC 20-23-15-6, AS ADDED BY P.L.1-2005,
7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2024]: Sec. 6. (a) The governing body of the school
9 corporation consists of seven (7) members who shall be elected

10 ~~(1) on a nonpartisan basis; and~~

11 ~~(2) in the general election held in the county.~~

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

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

16 **(d) Each candidate for election shall be nominated as provided**
17 **in IC 3-8-2 or IC 3-8-6, whichever is applicable to the particular**
18 **candidate.**

19 SECTION 40. IC 20-23-17-3, AS AMENDED BY P.L.219-2013,
20 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JANUARY 1, 2024]: Sec. 3. (a) The governing body of the school
22 corporation consists of five (5) members chosen as follows:

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

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

27 (3) One (1) member shall be appointed by the city legislative
28 body.

29 (b) The members elected under subsection (a)(1) shall be elected as
30 follows:

31 ~~(1) On a nonpartisan basis.~~

32 ~~(2) (1) In a general election held in the county.~~

33 ~~(3) (2) By the registered voters of the entire school corporation.~~

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

36 (1) Each candidate ~~must file a petition of nomination with the~~
37 ~~circuit court clerk not earlier than one hundred four (104) days~~
38 ~~and not later than seventy-four (74) days before the election at~~
39 ~~which members are to be elected. The petition of nomination must~~
40 ~~include the following information:~~

41 ~~(A) The name of the candidate.~~

42 ~~(B) A certification that the candidate meets the qualifications~~



- 1 for candidacy imposed by this chapter: for election shall be
2 nominated as provided in IC 3-8-2 or IC 3-8-6, whichever
3 is applicable to the particular candidate.
4 (2) Only eligible voters residing in the school corporation may
5 vote for a candidate seeking election.
6 SECTION 41. IC 20-23-17.2-3.1, AS AMENDED BY
7 P.L.193-2021, SECTION 106, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3.1. (a) The
9 governing body of the school corporation consists of five (5) members,
10 elected as provided in this chapter.
11 (b) Three (3) members shall be elected as follows:
12 (1) From districts established as provided in section 4.1 of this
13 chapter.
14 ~~(2) On a nonpartisan basis:~~
15 ~~(3) (2)~~ At the general election held in the county in 2022 and
16 every four (4) years thereafter.
17 (c) Two (2) members shall be elected as follows:
18 (1) At large by all the voters of the school corporation.
19 ~~(2) On a nonpartisan basis:~~
20 ~~(3) (2)~~ At the general election held in the county in 2024 and
21 every four (4) years thereafter.
22 (d) The term of office of a member of the governing body:
23 (1) is four (4) years; and
24 (2) begins January 1 after the election of members of the
25 governing body.
26 (e) 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 42. IC 20-23-17.2-5, AS AMENDED BY P.L.222-2015,
30 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JANUARY 1, 2024]: Sec. 5. (a) The following apply to an election of
32 members of the governing body of the school corporation under section
33 3.1(b) of this chapter:
34 (1) Each candidate ~~must file a petition of nomination with the~~
35 ~~circuit court clerk not earlier than one hundred four (104) days~~
36 ~~and not later than seventy-four (74) days before the general~~
37 ~~election at which members are to be elected: The petition of~~
38 ~~nomination must include the following information:~~
39 ~~(A) The name of the candidate:~~
40 ~~(B) The candidate's residence address and the district in which~~
41 ~~the candidate resides:~~
42 ~~(C) The signatures of at least twenty (20) registered voters~~



- 1 residing within the school corporation district the candidate
2 seeks to represent.
- 3 ~~(D) A certification that the candidate meets the qualifications~~
4 ~~for candidacy imposed by this chapter.~~
- 5 ~~(E) The school corporation district that the candidate seeks to~~
6 ~~represent. **for election shall be nominated as provided in**~~
7 ~~**IC 3-8-2 or IC 3-8-6, whichever is applicable to the**~~
8 ~~**particular candidate.**~~
- 9 (2) Only eligible voters residing in the school corporation district
10 as provided in section 4.1 of this chapter may vote for a candidate
11 to represent that school corporation district.
- 12 (3) One (1) candidate shall be elected for each school corporation
13 district provided by section 4.1 of this chapter. The candidate
14 elected for a school corporation district must reside within the
15 boundaries of the school corporation district. The candidate
16 elected as the member for a particular school corporation district
17 is the candidate who, among all the candidates who reside within
18 that school corporation district, receives the greatest number of
19 votes from voters residing in that school corporation district.
- 20 (b) The following apply to an election of the members of the
21 governing body of the school corporation under section 3.1(c) of this
22 chapter:
- 23 (1) Each candidate ~~must file a petition of nomination with the~~
24 ~~circuit court clerk not earlier than one hundred four (104) days~~
25 ~~and not later than seventy-four (74) days before the general~~
26 ~~election at which members are to be elected. The petition of~~
27 ~~nomination must include the following information:~~
- 28 (A) ~~The name of the candidate.~~
- 29 (B) ~~The candidate's residence address.~~
- 30 (C) ~~The signatures of at least one hundred (100) registered~~
31 ~~voters residing within the school corporation.~~
- 32 (D) ~~A certification that the candidate meets the qualifications~~
33 ~~for candidacy imposed by this chapter.~~
- 34 (E) ~~The fact that the candidate seeks to be elected from the~~
35 ~~school corporation at large. **for election shall be nominated**~~
36 ~~**as provided in IC 3-8-2 or IC 3-8-6, whichever is applicable**~~
37 ~~**to the particular candidate.**~~
- 38 (2) Only eligible voters residing in the school corporation may
39 vote for a candidate.
- 40 (3) Two (2) candidates shall be elected at large. The two (2)
41 candidates who receive the greatest number of votes among all
42 candidates running for an at-large seat are elected as members of



- 1 the governing body.
- 2 SECTION 43. IC 20-25-3-4, AS AMENDED BY P.L.169-2022,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2024]: Sec. 4. (a) The board consists of seven (7)
5 members. A member:
- 6 (1) must be elected ~~on a nonpartisan basis~~ in general elections
7 held in the county as specified in this section; and
8 (2) serves a four (4) year term.
- 9 (b) Five (5) members shall be elected from the school board districts
10 in which the members reside, and two (2) members must be elected at
11 large.
- 12 (c) If a candidate runs for one (1) of the district positions on the
13 board, only eligible voters residing in the candidate's district may vote
14 for that candidate. If a person is a candidate for one (1) of the at-large
15 positions, eligible voters from all the districts may vote for that
16 candidate.
- 17 (d) ~~If a candidate files to run for a position on the board, the~~
18 ~~candidate must specify whether the candidate is running for a district~~
19 ~~or an at-large position. Each candidate for election shall be~~
20 **nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is**
21 **applicable to the particular candidate.**
- 22 (e) ~~A candidate who runs for a district or an at-large position wins~~
23 ~~if the candidate receives the greatest number of votes of all the~~
24 ~~candidates for the position. IC 3 governs the nomination and election~~
25 **of the members of the board under this section.**
- 26 (f) Districts shall be established within the school city by the board
27 of school commissioners. The districts must be drawn on the basis of
28 precinct lines, and as nearly as practicable, of equal population with the
29 population of the largest district not to exceed the population of the
30 smallest district by more than five percent (5%). District lines must not
31 cross precinct lines. The board of school commissioners, **with**
32 **assistance from the county election board**, shall establish:
- 33 (1) balloting procedures for the election under IC 3; and
34 (2) other procedures required to implement this section.
- 35 (g) A member of the board serves under section 3 of this chapter.
- 36 (h) In accordance with subsection (k), a vacancy in the board shall
37 be filled temporarily by the board as soon as practicable after the
38 vacancy occurs. The member chosen by the board to fill a vacancy
39 holds office until the member's successor is elected and qualified. The
40 successor shall be elected at the next regular school board election
41 occurring after the date on which the vacancy occurs. The successor
42 fills the vacancy for the remainder of the term.



1 (i) An individual elected to serve on the board begins the
 2 individual's term on the date set in the school corporation's organization
 3 plan. The date set in the organization plan for an elected member of the
 4 board to take office may not be more than fourteen (14) months after
 5 the date of the member's election. If the school corporation's
 6 organization plan does not set a date for a member of the board to take
 7 office, the member takes office January 1 immediately following the
 8 individual's election.

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

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

18 SECTION 44. IC 20-26-4-4, AS AMENDED BY P.L.193-2021,
 19 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JANUARY 1, 2024]: Sec. 4. **(a) This section does not**
 21 **apply to:**

22 **(1) a vacancy of a member who serves on a governing body in**
 23 **an ex officio capacity; or**

24 **(2) a vacancy in an appointed board member position if the**
 25 **plan, resolution, or law under which the school corporation**
 26 **operates specifically provides for filling vacancies by the**
 27 **appointing authority.**

28 **(b)** If fewer candidates have been elected to the school board than
 29 there were members to be elected, the governing body shall determine
 30 not later than noon December 31 following the election which
 31 incumbent member or members continue to hold office under Article
 32 15, Section 3 of the Constitution of the State of Indiana until a
 33 successor is elected and qualified. ~~However,~~

34 **(c)** If a vacancy in the membership of a governing body occurs **for**
 35 **any reason**, whether the vacancy was of an elected or appointed
 36 member, **the vacancy shall be filled as follows:**

37 **(1) If the vacant office was last held by an individual elected**
 38 **or selected as a candidate of a major political party of**
 39 **Indiana, the vacancy shall be filled by a caucus under**
 40 **IC 3-13-11.**

41 **(2) If subdivision (1) does not apply**, the remaining members of
 42 the governing body shall by majority vote fill the vacancy by



1 appointing a **person an individual** from within the boundaries of
 2 the school corporation. ~~with the residence and other qualifications~~
 3 ~~provided for a regularly elected or appointed board member~~
 4 ~~filling the membership; to serve for the term or the balance of the~~
 5 ~~term. However; 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 **(d) An individual appointed as provided in this section:**

13 **(1) must possess the qualifications provided for a regularly**
 14 **elected or appointed governing body member filling the**
 15 **office; and**

16 **(2) holds office for the remainder of the unexpired term.**

17 SECTION 45. IC 20-26-4-4.5, AS AMENDED BY P.L.233-2015,
 18 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2024]: Sec. 4.5. (a) The definitions in IC 3-5-2 apply to
 20 this section.

21 (b) If a vacancy in a school board office exists because of the death
 22 of a school board member, **the vacancy shall be filled in accordance**
 23 **with section 4 of this chapter** ~~the remaining members of the~~
 24 ~~governing body shall meet and select an individual to fill the vacancy~~
 25 ~~after the secretary of the governing body receives notice of the death~~
 26 ~~under IC 5-8-6. and in accordance with section 4 of this chapter.~~

27 SECTION 46. IC 33-33-53-5, AS AMENDED BY P.L.179-2011,
 28 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2024]: Sec. 5. In accordance with rules adopted by the
 30 judges of the court under section 6 of this chapter, the presiding judge
 31 shall do the following:

32 (1) Ensure that the court operates efficiently and judicially under
 33 rules adopted by the court.

34 (2) Annually submit to the fiscal body of Monroe County a budget
 35 for the court, including amounts necessary for:

36 (A) the operation of the circuit's probation department;

37 (B) the defense of indigents; and

38 (C) maintaining an adequate law library.

39 (3) Make the appointments or selections required of a circuit or
 40 superior court judge under the following statutes:

41 IC 8-4-21-2

42 IC 11-12-2-2



1	IC 16-22-2-4
2	IC 16-22-2-11
3	IC 16-22-7
4	IC 20-23-4
5	IC 20-23-7-6
6	IC 20-23-7-8.1
7	IC 20-26-7-8
8	IC 20-26-7-14
9	IC 20-47-2-15
10	IC 20-47-3-13
11	IC 36-9
12	IC 36-10
13	IC 36-12-10-10.
14	(4) Make appointments or selections required of a circuit or
15	superior court judge by any other statute, if the appointment or
16	selection is not required of the court because of an action before
17	the court.

