

HOUSE BILL No. 1240

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, beginning after 2022. Provides that for school board offices elected in 2022, the political affiliation of each candidate, or the candidate's statement that the candidate is an independent candidate, must be stated on the ballot. Provides that the current statute relating to nomination of candidates for school board offices expires on January 1, 2023. Repeals other superseded statutes. Makes conforming changes.

Effective: Upon passage; January 1, 2023.

Goodrich, Prescott, Behning, Wesco

January 6, 2022, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1240

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 UPON PASSAGE]: 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 UPON PASSAGE]: 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, 2023]: 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, 2023]: 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, 2023]: 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 3-8-2.5-2, AS AMENDED BY P.L.169-2015,
4 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 2. (a) A candidate for a school board office
6 must file a petition of nomination in accordance with this chapter. ~~and~~
7 ~~as required under IC 20-23 or IC 20-25.~~ The petition of nomination,
8 once filed, serves as the candidate's declaration of candidacy for a
9 school board office.

10 (b) A candidate may be nominated for a school board office by
11 petition of voters who are:

- 12 (1) registered to vote at the residence address set forth on the
13 petition on the date the petition is certified under this chapter; and
- 14 (2) qualified to vote for the candidate.

15 (c) The petition of nomination must be signed by the **following**
16 number of voters ~~required for the school board office under IC 20-23~~
17 ~~or IC 20-25. of the election district the candidate seeks to represent:~~

- 18 **(1) If the election is for a school board office under**
19 **IC 20-23-12, one hundred (100) voters.**
- 20 **(2) If the election is for a school board office under**
21 **IC 20-23-13, two hundred (200) voters.**
- 22 **(3) If the election is for a school board office under**
23 **IC 20-23-14, one hundred (100) voters.**
- 24 **(4) If the election is for a school board office under**
25 **IC 20-23-17.2, one hundred (100) voters.**
- 26 **(5) If the election is for a school board office under a statute**
27 **not listed in subdivisions (1) through (4), ten (10) voters.**

28 (d) Except as provided in this subsection, the signature, printed
29 name, and residence address of the petitioner must be made in writing
30 by the petitioner. If a petitioner with a disability is unable to write this
31 information on the petition, the petitioner may authorize an individual
32 to do so on the petitioner's behalf. The individual acting under this
33 subsection shall execute an affidavit of assistance for each such
34 petitioner, in a form prescribed by the election division. The form must
35 set forth the name and address of the individual providing assistance,
36 and the date the individual provided the assistance. The form must be
37 submitted with the petition.

38 SECTION 7. IC 3-8-2.5-2.5, AS AMENDED BY P.L.169-2015,
39 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 2.5. (a) A petition of nomination for a school
41 board office must state all of the following:

- 42 (1) The name of each candidate as:



- 1 (A) the candidate wants the candidate's name to appear on the
 2 ballot; and
 3 (B) the candidate's name is permitted to appear on the ballot
 4 under IC 3-5-7.
- 5 (2) The address of each candidate, including the mailing address,
 6 if different from the residence address of the candidate.
- 7 (3) The school board office that each candidate seeks.
- 8 (4) That each petitioner is a qualified registered voter and desires
 9 to be able to vote for the candidates listed on the petition.
- 10 **(5) The candidate's political party affiliation or, if the**
 11 **candidate does not identify with a political party, that the**
 12 **candidate is an independent candidate. Unless the candidate's**
 13 **political party affiliation is challenged under section 7 of this**
 14 **chapter, the candidate's political party affiliation stated on**
 15 **the petition shall be indicated on the ballot in the manner**
 16 **determined by the county election board.**
- 17 (b) The petition of nomination must be accompanied by the
 18 following:
- 19 (1) The candidate's written consent to become a candidate.
- 20 (2) A statement that the candidate:
- 21 (A) is aware of the provisions of IC 3-9 regarding campaign
 22 finance and the reporting of campaign contributions and
 23 expenditures; and
 24 (B) agrees to comply with the provisions of IC 3-9 referred to
 25 in clause (A).
- 26 (3) A statement by the candidate that the candidate is aware of the
 27 requirement to file a campaign finance statement of organization
 28 under IC 3-9 after the first of either of the following occurs:
- 29 (A) The candidate receives more than five hundred dollars
 30 (\$500) in contributions.
- 31 (B) The candidate makes more than five hundred dollars
 32 (\$500) in expenditures.
- 33 (4) A statement indicating whether or not each candidate:
- 34 (A) has been a candidate for state, legislative, local, or school
 35 board office in a previous primary, municipal, special, or
 36 general election; and
 37 (B) has filed all reports required by IC 3-9-5-10 for all
 38 previous candidacies.
- 39 (5) A statement that each candidate is legally qualified to hold the
 40 office that the candidate seeks, including any applicable residency
 41 requirements and restrictions on service due to a criminal
 42 conviction.



1 (6) Any statement of economic interests required under IC 3-8-9.

2 (7) **The certification of the county chairman, if required under**
 3 **subsection (c).**

4 **(c) If a candidate claims affiliation with a major political party**
 5 **under subsection (a)(5), the candidate must have voted in the two**
 6 **(2) most recent primary elections in Indiana held by the party with**
 7 **which the candidate claims affiliation. The petition must provide**
 8 **a place for the candidate to affirm the candidate's primary election**
 9 **participation, if the candidate chooses affiliation with a major**
 10 **political party. If the candidate did not vote in the two (2) most**
 11 **recent primary elections in Indiana held by the party with which**
 12 **the candidate claims affiliation, the county chairman of:**

13 **(1) the political party with which the candidate claims**
 14 **affiliation; and**

15 **(2) the county in which the candidate resides;**

16 **must certify in writing that the candidate is a member of the**
 17 **political party for the candidate's claimed affiliation to be valid.**
 18 **The petition of nomination must inform candidates how political**
 19 **party affiliation is determined under this subsection.**

20 SECTION 8. IC 3-8-2.5-7, AS ADDED BY P.L.194-2013,
 21 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 7. (a) A person may not be selected as a
 23 candidate by petition of nomination without giving written consent and
 24 having it filed with the public official with whom certificates and
 25 petitions of nomination are required to be filed.

26 (b) Each candidate nominated by petition of nomination for a school
 27 board office must satisfy all statutory eligibility requirements for the
 28 office for which the candidate is nominated, including the filing of
 29 statements of economic interest.

30 (c) A statement questioning the validity of a petition of nomination
 31 or contesting the denial of certification under section 6 of this chapter
 32 must be filed with the county election board in accordance with
 33 IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of
 34 the general election. A question regarding the validity of a petition of
 35 nomination or the denial of certification shall be referred to and
 36 determined by the county election board not later than noon fifty-four
 37 (54) days before the date of the general election.

38 (d) A statement concerning the validity of a declaration of intent to
 39 be a write-in candidate for a school board office under section 4 of this
 40 chapter must be filed with the county election board in accordance with
 41 IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of
 42 the general election. A question regarding the validity of a declaration



1 of intent to be a write-in candidate for a school board office shall be
 2 referred to and determined by the county election board not later than
 3 noon fifty-four (54) days before the date of the general election.

4 **(e) If a candidate's petition states that the candidate is affiliated**
 5 **with a major political party, that statement may be challenged**
 6 **under this section. A challenge under this subsection succeeds only**
 7 **if the challenger shows both of the following:**

8 **(1) The candidate did not vote in the two (2) most recent**
 9 **primary elections in Indiana held by the party with which the**
 10 **candidate claims affiliation.**

11 **(2) The county chairman of:**

12 **(A) the political party with which the candidate claims**
 13 **affiliation; and**

14 **(B) the county in which the candidate resides;**
 15 **did not certify that the candidate is a member of the political**
 16 **party with which the candidate claims affiliation. If the**
 17 **candidate produces a copy of the certification of the county**
 18 **chairman of the political party with which the candidate**
 19 **claims affiliation at the time the candidate filed the petition,**
 20 **the claim of a challenger under this subdivision is conclusively**
 21 **rebutted.**

22 **(f) Unless a challenger shows under subsection (e) that a**
 23 **candidate is not affiliated with the major political party with which**
 24 **the candidate claims affiliation, the candidate's claimed political**
 25 **party affiliation shall be indicated on the ballot as required by**
 26 **section 2.5(a)(5) of this chapter.**

27 **(g) A candidate's claimed political party affiliation with a party**
 28 **other than a major political party is not subject to challenge under**
 29 **this section.**

30 SECTION 9. IC 3-8-2.5-9 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: **Sec. 9. This chapter expires January 1, 2023.**

33 SECTION 10. IC 3-8-6-1, AS AMENDED BY P.L.194-2013,
 34 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2023]: Sec. 1. ~~(a)~~ This chapter applies to a candidate for
 36 nomination to an elected office who:

37 (1) is an independent candidate; or

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

40 ~~(b) This chapter does not apply to a candidate for a school board~~
 41 ~~office.~~

42 SECTION 11. IC 3-8-7-28, AS AMENDED BY P.L.216-2015,



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2023]: Sec. 28. (a) Except as provided in subsections (b)
3 and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or
4 IC 3-10-1 desires to withdraw as the nominee, the nominee must file a
5 notice of withdrawal in writing with the public official with whom the
6 certificate of nomination was filed by noon:

- 7 (1) July 15 before a general or municipal election;
8 (2) August 1 before a municipal election in a town subject to
9 IC 3-8-5-10;
10 (3) on the date specified for town convention nominees under
11 IC 3-8-5-14.5;
12 (4) on the date specified for declared write-in candidates under
13 IC 3-8-2-2.7; **or**
14 ~~(5) on the date specified for a school board candidate under~~
15 ~~IC 3-8-2.5-4; or~~
16 ~~(6)~~ **(5)** forty-five (45) days before a special election.

17 (b) A candidate who is disqualified from being a candidate under
18 IC 3-8-1-5 must file a notice of withdrawal immediately upon
19 becoming disqualified. IC 3-8-8-7 and the filing requirements of
20 subsection (a) do not apply to a notice of withdrawal filed under this
21 subsection.

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

27 SECTION 12. IC 3-8-9-5, AS AMENDED BY P.L.278-2019,
28 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JANUARY 1, 2023]: Sec. 5. An individual required to file a statement
30 under section 4 of this chapter shall file the statement as follows:

- 31 (1) With the individual's:
32 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
33 (B) petition of nomination under ~~IC 3-8-2.5~~ **or** IC 3-8-6 for an
34 office described in IC 3-8-2-5 in a county with a separate
35 board of registration under IC 3-7-12 after certification by the
36 board of registration;
37 (C) petition of nomination under ~~IC 3-8-2.5~~ **or** IC 3-8-6 for an
38 office described in IC 3-8-2-5 in a county that does not have a
39 separate board of registration under IC 3-7-12;
40 (D) petition of nomination under IC 3-8-6 for an office
41 described in IC 3-8-2-5 after certification by the county voter
42 registration office;



- 1 (E) certificate of nomination under IC 3-10-2-15 or
 2 IC 3-10-6-12;
 3 (F) statement consenting to be a replacement candidate under
 4 IC 3-8-6-17;
 5 (G) declaration of intent to be a write-in candidate under
 6 IC 3-8-2-2.5; or
 7 (H) certificate of candidate selection under IC 3-13-1 or
 8 IC 3-13-2.

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

14 SECTION 13. IC 3-10-1-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 4. (a) At a
 16 primary election each political party subject to section 2 of this chapter
 17 shall nominate its candidates for the following offices to be voted for
 18 at the general election:

- 19 (1) United States Senator.
 20 (2) Governor.
 21 (3) United States Representative.
 22 (4) Legislative offices.
 23 (5) Local offices.
 24 **(6) School board offices.**

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

- 27 (1) vote on candidates for nomination as President of the United
 28 States;
 29 (2) elect delegates from each county to the party's state
 30 convention; and
 31 (3) elect a precinct committeeman for each precinct in the county
 32 if precinct committeemen are to be elected under section 4.5 of
 33 this chapter.

34 SECTION 14. IC 3-10-1-18, AS AMENDED BY P.L.76-2014,
 35 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JANUARY 1, 2023]: Sec. 18. (a) Except as provided by subsection (b),
 37 the names of all candidates for each office who have qualified under
 38 IC 3-8 shall be arranged in alphabetical order by surnames under the
 39 designation of the office.

40 (b) This subsection applies to a county having a population of more
 41 than four hundred thousand (400,000) but less than seven hundred
 42 thousand (700,000). The names of all candidates for each office who



1 have qualified under IC 3-8, except for a ~~school board office~~, precinct
 2 committeeman or state convention delegate, shall be arranged in
 3 random order by surnames under the designation of the office. The
 4 random order shall be determined using a lottery. The lottery held in
 5 accordance with this subsection shall be conducted in public by the
 6 county election board. The lottery shall be held not later than fifteen
 7 (15) days following the last day for a declaration of candidacy under
 8 IC 3-8-2-4. All candidates whose names are to be arranged by way of
 9 the lottery shall be notified at least five (5) days prior to the lottery of
 10 the time and place at which the lottery is to be held. Each candidate
 11 may have one (1) designated watcher, and each county political party
 12 may have one (1) designated watcher who shall be allowed to observe
 13 the lottery procedure.

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

23 (d) This subsection applies to a county having a population of more
 24 than four hundred thousand (400,000) but less than seven hundred
 25 thousand (700,000). If there is insufficient room on a row to list each
 26 candidate of a political party, a second or subsequent row may be
 27 utilized. However, a second or subsequent row may not be utilized
 28 unless the first row, and all preceding rows, have been filled.

29 SECTION 15. IC 3-10-1-19, AS AMENDED BY P.L.278-2019,
 30 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2023]: Sec. 19. (a) The ballot for a primary election shall
 32 be printed in substantially the form described in this section for all the
 33 offices for which candidates have qualified under IC 3-8.

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

36 "OFFICIAL PRIMARY BALLOT

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

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

41 (1) For paper ballots, print: To vote for a person, make a voting
 42 mark (X or ✓) on or in the box before the person's name in the



- 1 proper column.
- 2 (2) For optical scan ballots, print: To vote for a person, darken or
- 3 shade in the circle, oval, or square (or draw a line to connect the
- 4 arrow) that precedes the person's name in the proper column.
- 5 (3) For optical scan ballots that do not contain a candidate's name,
- 6 print: To vote for a person, darken or shade in the oval that
- 7 precedes the number assigned to the person's name in the proper
- 8 column.
- 9 (4) For electronic voting systems, print: To vote for a person,
- 10 touch the screen (or press the button) in the location indicated.
- 11 (d) Local public questions shall be placed on the primary election
- 12 ballot after the heading and the voting instructions described in
- 13 subsection (c) (if the instructions are printed on the ballot) and before
- 14 the offices described in subsection (g).
- 15 (e) The local public questions described in subsection (d) shall be
- 16 placed as follows:
- 17 (1) In a separate column on the ballot if voting is by paper ballot.
- 18 (2) After the heading and the voting instructions described in
- 19 subsection (c) (if the instructions are printed on the ballot) and
- 20 before the offices described in subsection (g), in the form
- 21 specified in IC 3-11-13-11 if voting is by ballot card.
- 22 (3) As provided by either of the following if voting is by an
- 23 electronic voting system:
- 24 (A) On a separate screen for a public question.
- 25 (B) After the heading and the voting instructions described in
- 26 subsection (c) (if the instructions are printed on the ballot) and
- 27 before the offices described in subsection (g), in the form
- 28 specified in IC 3-11-14-3.5.
- 29 (f) A public question shall be placed on the primary election ballot
- 30 in the following form:
- 31 (The explanatory text for the public question,
- 32 if required by law.)
- 33 "Shall (insert public question)?"
- 34 YES
- 35 NO
- 36 (g) The offices with candidates for nomination shall be placed on
- 37 the primary election ballot in the following order:
- 38 (1) Federal and state offices:
- 39 (A) President of the United States.
- 40 (B) United States Senator.
- 41 (C) Governor.
- 42 (D) United States Representative.



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



1 offices described in subsection (g):

- 2 (1) Precinct committeeman.
3 (2) State convention delegate.

4 (i) The local offices to be elected at the primary election shall be
5 placed on the primary election ballot after the offices described in
6 subsection (h).

7 (j) The offices described in subsection (i) shall be placed as follows:

- 8 (1) In a separate column on the ballot if voting is by paper ballot.
9 (2) After the offices described in subsection (h) in the form
10 specified in IC 3-11-13-11 if voting is by ballot card.

11 (3) Either:

- 12 (A) on a separate screen for each office or public question; or
13 (B) after the offices described in subsection (h) in the form
14 specified in IC 3-11-14-3.5;

15 if voting is by an electronic voting system.

16 SECTION 16. IC 3-10-8-1, AS AMENDED BY P.L.219-2013,
17 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JANUARY 1, 2023]: Sec. 1. A special election shall be held in the
19 following cases:

20 (1) Whenever two (2) or more candidates for a federal, state,
21 legislative, ~~or circuit or school board~~ office receive the ~~highest~~
22 **greatest** and an equal number of votes for the office, except as
23 provided in Article 5, Section 5 of the Constitution of the State of
24 Indiana. ~~or in IC 20:~~

25 (2) Whenever a vacancy occurs in the office of United States
26 Senator, as provided in IC 3-13-3-1.

27 (3) Whenever a vacancy occurs in the office of United States
28 Representative unless the vacancy occurs less than seventy-four
29 (74) days before a general election.

30 (4) Whenever a vacancy occurs in any local office the filling of
31 which is not otherwise provided by law.

32 (5) Whenever required by law for a public question.

33 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
34 recount commission under IC 3-12-11-18.

35 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
36 legislative office unless the vacancy occurs less than seventy-four
37 (74) days before a general election.

38 SECTION 17. IC 3-11-2-12, AS AMENDED BY P.L.109-2021,
39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2023]: Sec. 12. The following offices shall be placed on
41 the general election ballot in the following order after the public
42 questions described in section 10(a) of this chapter:



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



- 1 (C) Judge of the city court.
- 2 (D) City-county council member or common council member.
- 3 (7) Town offices:
- 4 (A) Clerk-treasurer.
- 5 (B) Judge of the town court.
- 6 (C) Town council member.

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

8 SECTION 18. IC 3-11-2-12.4, AS AMENDED BY P.L.109-2021,
9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2023]: Sec. 12.4. (a) This section applies whenever more
11 than one (1) candidate may be elected to an office.

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

15 (c) Whenever candidates are to be elected to a county council, city
16 common council, or town council that includes both an at-large
17 member and a member representing a district, the candidates seeking
18 election as an at-large member shall be placed on the ballot before
19 candidates seeking to represent a district.

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

25 SECTION 19. IC 3-11-2-12.9, AS AMENDED BY P.L.109-2021,
26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at
28 the general election shall be placed on the general election ballot after
29 the offices described in section 12.4 of this chapter. ~~with each~~
30 ~~candidate for the office designated as "nonpartisan".~~

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

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

39 **(d) This section expires January 1, 2023.**

40 SECTION 20. IC 3-11-2-13, AS AMENDED BY P.L.190-2011,
41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JANUARY 1, 2023]: Sec. 13. (a) The following offices shall be placed



1 on the general election ballot in the following order after the offices
2 described in section ~~12.9~~ **12.4** of this chapter:

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

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

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

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

15 SECTION 21. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,
16 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JANUARY 1, 2023]: Sec. 4. (a) Except as provided in subsection (b),
18 a ballot card voting system must permit a voter to vote:

- 19 (1) except at a primary election, a straight party ticket for all of
20 the candidates of one (1) political party by a single voting mark
21 on each ballot card;
- 22 (2) for one (1) or more candidates of each political party or
23 independent candidates, or for one (1) or more ~~school board~~
24 candidates nominated by petition;
- 25 (3) a split ticket for the candidates of different political parties
26 and for independent candidates; or
- 27 (4) a straight party ticket and then split that ticket by casting
28 individual votes for candidates of another political party or
29 independent candidate.

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

- 33 (1) county council;
- 34 (2) city common council;
- 35 (3) town council; ~~or~~
- 36 (4) township board; ~~or~~
- 37 **(5) school board;**

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

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



1 (1) for all candidates for presidential electors and alternate
 2 presidential electors of a political party or an independent ticket
 3 by making a single voting mark; and

4 (2) for or against a public question on which the voter may vote.

5 SECTION 22. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
 6 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2023]: Sec. 10. (a) Except as provided in subsection (b),
 8 an electronic voting system must permit a voter to vote:

9 (1) except at a primary election, a straight party ticket for all the
 10 candidates of one (1) political party by touching the device of that
 11 party;

12 (2) for one (1) or more candidates of each political party or
 13 independent candidates, or for one (1) or more ~~school board~~
 14 candidates nominated by petition;

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

17 (4) a straight party ticket and then split that ticket by casting
 18 individual votes for candidates of another political party or
 19 independent candidates.

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

23 (1) county council;

24 (2) city common council;

25 (3) town council; ~~or~~

26 (4) township board; ~~or~~

27 **(5) school board;**

28 make a voting mark for each individual candidate for whom the voter
 29 wishes to cast a vote. The electronic voting system may not count any
 30 straight party ticket voting mark as a vote for any candidate for an
 31 office described by this subsection.

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

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

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

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

40 SECTION 23. IC 3-11-13-11, AS AMENDED BY P.L.193-2021,
 41 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JANUARY 1, 2023]: Sec. 11. (a) The ballot information, whether



1 placed on the ballot card or on the marking device, must be in the order
2 of arrangement provided for ballots under this section.

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

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

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

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

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

20 (e) The offices and public questions on the general election ballot
21 must be placed on the ballot in the order listed in IC 3-11-2-12,
22 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),~~
23 ~~IC 3-11-2-12.9(c),~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),
24 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). The offices and
25 public questions may be listed in a continuous column either vertically
26 or horizontally and on a number of separate pages.

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

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

33 (2) "Vote for not more than (insert the number of candidates to be
34 elected) candidate(s) for this office. To vote for any candidate for
35 this office, you must make a voting mark for each candidate you
36 wish to vote for. A straight party vote will not count as a vote for
37 any candidate for this office.", if more than one (1) candidate is to
38 be elected to the office.

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

42 (1) The major political party whose candidate received the highest



- 1 number of votes in the county for secretary of state at the last
 2 election is listed first.
- 3 (2) The major political party whose candidate received the second
 4 highest number of votes in the county for secretary of state is
 5 listed second.
- 6 (3) All other political parties listed in the order that the parties'
 7 candidates for secretary of state finished in the last election are
 8 listed after the party listed in subdivision (2).
- 9 (4) If a political party did not have a candidate for secretary of
 10 state in the last election or a nominee is an independent candidate
 11 or independent ticket (described in IC 3-11-2-6), the party or
 12 candidate is listed after the parties described in subdivisions (1),
 13 (2), and (3).
- 14 (5) If more than one (1) political party or independent candidate
 15 or ticket described in subdivision (4) qualifies to be on the ballot,
 16 the parties, candidates, or tickets are listed in the order in which
 17 the party filed its petition of nomination under IC 3-8-6-12.
- 18 (6) A space for write-in voting is placed after the candidates listed
 19 in subdivisions (1) through (5), if required by law.
- 20 (7) The name of a write-in candidate may not be listed on the
 21 ballot.
- 22 (h) The names of the candidates grouped in the order established by
 23 subsection (g) must be printed in type with uniform capital letters and
 24 have a uniform space between each name. The name of the candidate's
 25 political party, or the word "Independent" if the:
 26 (1) candidate; or
 27 (2) ticket of candidates for:
 28 (A) President and Vice President of the United States; or
 29 (B) governor and lieutenant governor;
 30 is independent, must be placed immediately below or beside the name
 31 of the candidate and must be printed in a uniform size and type.
- 32 (i) All the candidates of the same political party for election to
 33 at-large seats on the fiscal or legislative body of a political subdivision
 34 must be grouped together:
 35 (1) under the name of the office that the candidates are seeking;
 36 (2) in the order established by subsection (g); and
 37 (3) within the political party, in alphabetical order according to
 38 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) of ANY party for this office."



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

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

5 (2) in alphabetical order according to surname.

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

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

12 (1) The cautionary statement described in IC 3-11-2-7.

13 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
14 and IC 3-11-2-10(e).

15 (l) (k) The ballot must include a single connectable arrow, circle,
16 oval, or square, or a voting position for voting a straight party or an
17 independent ticket (described in IC 3-11-2-6) by one (1) mark as
18 required by section 14 of this chapter, and the single connectable
19 arrow, circle, oval, or square, or the voting position for casting a
20 straight party or an independent ticket ballot must be identified by:

21 (1) the name of the political party or independent ticket
22 (described in IC 3-11-2-6); and

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

26 The name and device of each political party or independent ticket must
27 be of uniform size and type and arranged in the order established by
28 subsection (g) for listing candidates under each office. The instructions
29 described in IC 3-11-2-10(c) for voting a straight party ticket and the
30 statement concerning presidential electors required under IC 3-10-4-3
31 must be placed on the ballot label. The instructions for voting a straight
32 party ticket must include the statement: "If you do not wish to vote a
33 straight party ticket, do not make a mark in this section and proceed to
34 voting the ballot by office."

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

41 (n) (m) The requirements in this section:

42 (1) do not replace; and



1 (2) are in addition to;
 2 any other requirements in this title that apply to optical scan ballots.
 3 ~~(n)~~ (n) The procedure described in IC 3-11-2-16 must be used when
 4 a ballot does not comply with the requirements imposed by this title or
 5 contains another error or omission that might result in confusion or
 6 mistakes by voters.

7 ~~(o)~~ (o) This subsection applies to an optical scan ballot that does not
 8 list:

- 9 (1) the names of political parties or candidates; or
 10 (2) the text of public questions;

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

14 SECTION 24. IC 3-11-14-3.5, AS AMENDED BY P.L.193-2021,
 15 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2023]: Sec. 3.5. (a) Each county election board shall
 17 have the names of all candidates for all elected offices, political party
 18 offices, and public questions printed on ballot labels for use in an
 19 electronic voting system as provided in this chapter.

20 (b) The county may:

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

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

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

35 (e) The ballot labels must list the offices and public questions on the
 36 general election ballot in the order listed in IC 3-11-2-12,
 37 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);~~
 38 ~~IC 3-11-2-12.9(c);~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),
 39 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). Each office and
 40 public question may have a separate screen, or the offices and public
 41 questions may be listed in a continuous column either vertically or
 42 horizontally.



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

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

7 (2) "Vote for not more than (insert the number of candidates to be
 8 elected) candidate(s) for this office. To vote for any candidate for
 9 this office, you must make a voting mark for each candidate you
 10 wish to vote for. A straight party vote will not count as a vote for
 11 any candidate for this office.", if more than one (1) candidate is to
 12 be elected to the office.

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

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

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

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

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

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

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

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

42 (h) The names of the candidates grouped in the order established by



1 subsection (g) must be printed in type with uniform capital letters and
 2 have a uniform space between each name. The name of the candidate's
 3 political party, or the word "Independent", if the:

4 (1) candidate; or

5 (2) ticket of candidates for:

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

7 (B) governor and lieutenant governor;

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

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

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

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

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

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

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

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

25 ~~(2)~~ in alphabetical order according to surname.

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

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

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

35 (1) placed on the ballot label; or

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

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

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



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

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

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

20 ~~(o)~~ (n) The requirements in this section:

- 21 (1) do not replace; and
 22 (2) are in addition to;

23 any other requirements in this title that apply to ballots for electronic
 24 voting systems.

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

29 SECTION 25. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,
 30 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2023]: Sec. 7. (a) This subsection applies whenever a
 32 voter:

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

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

38 (b) 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) only one (1) person may be elected to an office; and
 42 (3) the voter has voted for one (1) individual candidate for the



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



1 (2) more than one (1) person may be elected to an office; and
 2 (3) the voter has voted for individual candidates for the office
 3 described in subdivision (2) who are:

4 (A) independent candidates, declared write-in candidates, or
 5 candidates of a political party other than the political party for
 6 which the voter cast a straight party ticket under subdivision
 7 (1); and

8 (B) candidates of the same political party for which the voter
 9 cast a straight party ticket under subdivision (1).

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

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

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

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

32 SECTION 26. IC 3-12-9-3, AS AMENDED BY P.L.230-2005,
 33 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2023]: Sec. 3. Whenever a circuit court clerk receives
 35 certification that a tie vote at an election for a local office or a school
 36 board office occurred, the clerk shall immediately send a written notice
 37 of the tie vote to **the following**:

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

40 (2) If the tie vote occurred in an election for a circuit office in a
 41 circuit that includes more than one county, ~~to~~ the fiscal body of
 42 each county of the circuit.



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

SECTION 27. IC 3-12-9-4, AS AMENDED BY P.L.85-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 4. **(a) This section does not apply if a tie vote occurred in an election for a school board office.**

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

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

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

~~(d)~~ **(e)** The executive of the political subdivision (other than a town or a school corporation) may cast the deciding vote to break a tie vote in a fiscal body acting under this section. The clerk-treasurer of the town may cast the deciding vote to break a tie vote in a town fiscal body acting under this section. ~~A tie vote in the fiscal body of a school corporation under this section shall be broken under IC 20-23.~~

SECTION 28. IC 3-12-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 5. Whenever a tie vote at an election for:

- (1) a state office; **or**
- (2) a local office; **or**
- ~~(3) a school board office;~~

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

SECTION 29. IC 3-13-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 10.5. School Corporation Governing Body; Resolving



1 **Tie Votes; Filling Vacancies**

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

4 (1) The governing body of a school corporation.

5 (2) The school advisory body of a school corporation.

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

9 (b) If a tie vote occurs at an election for a member of the
10 governing body and one (1) of the candidates involved in the tie
11 vote is an incumbent member of the governing body, the incumbent
12 member remains in office in accordance with Article 15, Section 3
13 of the Constitution of the State of Indiana until a successor is
14 elected and qualified as provided in this section.

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

18 (d) If a tie vote has occurred for the election of more than one
19 (1) at-large seat on the governing body, the governing body shall
20 select the number of individuals necessary to fill each of the
21 at-large seats for which the tie vote occurred from among the
22 candidates who were involved in the tie vote.

23 (e) If a member of the governing body is one (1) of the
24 candidates involved in the tie vote, that member may not cast a
25 vote under this section.

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

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

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

36 SECTION 30. IC 20-23-4-29.1, AS ADDED BY P.L.179-2011,
37 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 29.1. (a) This section applies to each school
39 corporation.

40 (b) If a plan provides for election of members of the governing
41 body, the members of the governing body shall be elected at a general
42 election. Each candidate must file a petition of nomination in



1 accordance with IC 3-8-2.5 that is signed by the candidate and by ten
 2 (10) registered voters residing within the boundaries of the community
 3 school corporation. The filing must be made within the time specified
 4 by ~~IC 3-8-2.5-4~~. **The following applies to the election of members of**
 5 **the governing body:**

6 (1) **The plan determines whether members are elected:**

7 (A) **by all the voters of the school corporation;**

8 (B) **by all the voters of the school corporation from**
 9 **residence districts; or**

10 (C) **solely by the voters of each election district established**
 11 **under the plan.**

12 (2) **IC 3 governs the nomination and election of members of**
 13 **the governing body. Before January 1, 2023, candidates shall**
 14 **be nominated as provided in IC 3-8-2.5. After December 31,**
 15 **2022, a candidate must be nominated as provided in IC 3-8-2**
 16 **or IC 3-8-6, whichever is applicable to the particular**
 17 **candidate.**

18 (c) All nominations shall be listed for each office in the form
 19 prescribed by IC 3-11-2, but without party designation. Voting and
 20 tabulation of votes shall be conducted in the same manner as voting
 21 and tabulation in general elections are conducted. The precinct election
 22 boards serving in each county shall conduct the election for members
 23 of the governing body. If a school corporation is located in more than
 24 one (1) county, each county election board shall print the ballots
 25 required for voters in that county to vote for candidates for members of
 26 the governing body.

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

32 (e) If the plan provides that members of the governing body are to
 33 be elected from residence districts by all voters in the community
 34 school corporation, nominees for the governing body shall be placed on
 35 the ballot in the form prescribed by IC 3-11-2, by residence districts
 36 without party designation. The ballot must state the number of
 37 members to be voted on and the maximum number of members that
 38 may be elected from each residence district as provided in the plan. A
 39 ballot is not valid if more than the maximum number of members are
 40 voted on from a board member residence district. The candidates who
 41 receive the most votes are elected. However, if more than the
 42 maximum number that may be elected from a residence district are



1 among those receiving the most votes; the candidates from the
 2 residence districts exceeding the maximum number who receive the
 3 fewest votes shall be eliminated in determining the candidates who are
 4 elected.

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

12 SECTION 31. IC 20-23-4-30, AS AMENDED BY P.L.193-2021,
 13 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) This section applies to
 15 each school corporation.

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

18 (c) If after the first governing body takes office, fewer candidates
 19 have been elected to the school board than there were members to be
 20 elected, the governing body shall determine not later than noon
 21 December 31 following the election which incumbent member or
 22 members continue to hold office under Article 15, Section 3 of the
 23 Constitution of the State of Indiana until a successor is elected and
 24 qualified. However;

25 (d) If there is a vacancy on the governing body, whether the
 26 vacating member was elected or appointed, ~~the remaining members of~~
 27 ~~the governing body, whether or not a majority of the governing body,~~
 28 ~~shall by a majority vote fill the vacancy by appointing a person from~~
 29 ~~within the boundaries of the community school corporation to serve for~~
 30 ~~the term or balance of the term. An individual appointed under this~~
 31 ~~subsection must possess the qualifications provided for a regularly~~
 32 ~~elected or appointed governing body member filling the office. If:~~

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

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

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

41 (e) A vacancy in the governing body occurs if a member ceases
 42 to be a resident of any ~~the~~ community school corporation. A vacancy



1 does not occur when the member moves from a district of the school
 2 corporation from which the member was elected or appointed if the
 3 member continues to be a resident of the school corporation.

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

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

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

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

14 (f) (g) Elected governing body members take office and assume
 15 their duties on the date set in the school corporation's organization plan.
 16 The date set in the organization plan for an elected member of the
 17 governing body to take office may not be more than fourteen (14)
 18 months after the date of the member's election. If the school
 19 corporation's organization plan does not set a date for an elected
 20 member of the governing body to take office, the member takes office
 21 January 1 immediately after the member's election.

22 SECTION 32. IC 20-23-4-35, AS AMENDED BY P.L.271-2013,
 23 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 35. (a) The governing body of a school
 25 corporation may be organized under this section.

26 (b) The governing body consists of seven (7) members, elected as
 27 follows:

28 (1) Four (4) members elected from districts, with one (1) member
 29 serving from each election district. A member elected under this
 30 subdivision must be:

31 (A) a resident of the election district from which the member
 32 is elected; and

33 (B) voted upon by only the registered voters residing within
 34 the election district and voting at a governing body election.

35 (2) Three (3) members, who are voted upon by all the registered
 36 voters residing within the school corporation and voting at a
 37 governing body election, elected under this subdivision. The
 38 governing body shall establish three (3) residential districts as
 39 follows:

40 (A) One (1) residential district must be the township that has
 41 the greatest population within the school corporation.

42 (B) Two (2) residential districts must divide the remaining



- 1 area within the school corporation.
 2 Only one (1) member who resides within a particular residential
 3 district established under this subdivision may serve on the
 4 governing body at a time.
- 5 (c) A member of the governing body who is:
 6 (1) elected from an election or a residential district; or
 7 (2) appointed to fill a vacancy from an election or a residential
 8 district;
 9 must reside within the boundaries of the district the member represents.
- 10 (d) A vacancy on the governing body shall be filled ~~by the~~
 11 ~~governing body as soon as practicable after the vacancy occurs. A~~
 12 ~~member chosen by the governing body to fill a vacancy holds office for~~
 13 ~~the remainder of the unexpired term. as provided in IC 3-13-10.5-3.~~
- 14 (e) The members of the governing body serving at the time a plan
 15 is amended under this section shall establish the election and
 16 residential districts described in subsection (b).
- 17 (f) The election districts described in subsection (b)(1):
 18 (1) shall be drawn on the basis of precinct lines;
 19 (2) may not cross precinct lines; and
 20 (3) as nearly as practicable, be of equal population, with the
 21 population of the largest exceeding the population of the smallest
 22 by not more than fifteen percent (15%).
- 23 (g) The residential districts described in subsection (b)(2) may:
 24 (1) be drawn in any manner considered appropriate by the
 25 governing body; and
 26 (2) be drawn along township lines.
- 27 (h) The governing body shall certify the districts that are established
 28 under subsections (f) and (g), amended under subsection (e), or
 29 recertified under section 35.5 of this chapter to:
 30 (1) the state board; and
 31 (2) the circuit court clerk of each county in which the school
 32 corporation is located as provided in section 35.5 of this chapter.
- 33 (i) The governing body shall designate:
 34 (1) three (3) of the districts established under this section to be
 35 elected at the first school board election that occurs after the
 36 effective date of the plan; and
 37 (2) the remaining four (4) districts to be elected at the second
 38 school board election that occurs after the effective date of the
 39 plan.
- 40 (j) The limitations set forth in this section are part of the plan, but
 41 do not have to be specifically set forth in the plan. The plan must be
 42 construed, if possible, to comply with this chapter. If a provision of the



1 plan or an application of the plan violates this chapter, the invalidity
 2 does not affect the other provisions or applications of the plan that can
 3 be given effect without the invalid provision or application. The
 4 provisions of the plan are severable.

5 (k) If a conflict exists between:

6 (1) a map showing the boundaries of a district; and

7 (2) a description of the boundaries of that district set forth in the
 8 plan or plan amendment;

9 the district boundaries are the description of the boundaries set forth in
 10 the plan or plan amendment, not the boundaries shown on the map, to
 11 the extent there is a conflict between the description and the map.

12 SECTION 33. IC 20-23-4-44, AS AMENDED BY P.L.119-2012,
 13 SECTION 145, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: Sec. 44. (a) This section applies only
 15 to a school corporation with territory in a county having a population
 16 of more than one hundred ~~seventy~~ **eighty-five** thousand ~~(170,000)~~
 17 **(185,000)** but and less than one ~~two~~ hundred ~~seventy-five~~ thousand
 18 ~~(175,000)~~. **(200,000)**.

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

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

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

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

24 (c) ~~Notwithstanding any other law, If a tie vote occurs among any~~
 25 ~~of the candidates for the governing body or a vacancy occurs on the~~
 26 ~~governing body, the remaining members of the governing body, even~~
 27 ~~if the remaining members do not constitute a majority of the governing~~
 28 ~~body, shall by a majority vote of the remaining members:~~

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

31 ~~(2) fill the vacancy by appointing an individual to fill the vacancy.~~
 32 **the vacancy shall be filled as provided in IC 3-13-10.5-3.**

33 (d) ~~An individual appointed to fill a vacancy under subsection~~
 34 ~~(c)(2):~~

35 ~~(1) must satisfy all the qualifications required of a member of the~~
 36 ~~governing body; and~~

37 ~~(2) shall fill the remainder of the unexpired term of the vacating~~
 38 ~~member.~~

39 (e) ~~If a tie vote occurs among the remaining members of the~~
 40 ~~governing body or the governing body fails to act within thirty (30)~~
 41 ~~days after the election or the vacancy occurs, the fiscal body (as~~
 42 ~~defined in IC 3-5-2-25) of the township in which the greatest~~



1 percentage of population of the school district resides shall break the
 2 tie or make the appointment. A member of the fiscal body who was a
 3 candidate and is involved in a tie vote may not cast a vote under this
 4 subsection.

5 (f) If the fiscal body of a township is required to act under this
 6 section and a vote in the fiscal body results in a tie, the deciding vote
 7 to break the tie vote shall be cast by the executive.

8 SECTION 34. IC 20-23-7-8.1, AS AMENDED BY P.L.219-2013,
 9 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 8.1. (a) The registered voters of the
 11 metropolitan school district shall elect the members of the metropolitan
 12 board of education at general elections held biennially, beginning with
 13 the next general election that is held more than sixty (60) days after the
 14 creation of the metropolitan school district as provided in this chapter.

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

20 (c) Nominees for the board shall be listed on the general election
 21 ballot:

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

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

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

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

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

- 38 (1) the number of candidates elected is the greatest number that
 39 may be elected from the board member district;
- 40 (2) the candidates elected are those who, among the candidates
 41 from the board member district, receive the most votes; and
- 42 (3) the other candidates from the board member district are



1 eliminated.

2 (b) IC 3 governs the nomination and election of candidates.
 3 Before January 1, 2023, candidates shall be nominated as provided
 4 in IC 3-8-2.5. After December 31, 2022, a candidate must be
 5 nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is
 6 applicable to the particular candidate.

7 ~~(g)~~ (c) If there is a tie vote among the candidates for the board, the
 8 judge of the circuit court in the county where the majority of the
 9 registered voters of the metropolitan school district reside shall select
 10 one (1) of the candidates who shall be declared and certified elected:
 11 the tie vote shall be resolved as provided in IC 3-13-10.5-2.

12 ~~(h)~~ (d) If, at any time after the first board member election, A
 13 vacancy on the board that occurs for any reason including an
 14 insufficient number of petitions for candidates being filed, and
 15 regardless of whether the vacating member was elected or appointed;
 16 the remaining members of the board; whether or not a majority of the
 17 board; shall by a majority vote fill the vacancy by:

18 (1) appointing a person from the board member district from
 19 which the person who vacated the board was elected; or

20 (2) if the person was appointed; appointing a person from the
 21 board member district from which the last elected predecessor of
 22 the person was elected.

23 If a majority of the remaining members of the board is unable to agree
 24 or the board fails to act within thirty (30) days after a vacancy occurs;
 25 the judge of the circuit court in the county where the majority of
 26 registered voters of the metropolitan school district reside shall make
 27 the appointment: shall be filled as provided in IC 3-13-10.5-3.

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

29 (1) more than sixty (60) days after an elected board member
 30 vacates membership on the board; or

31 (2) immediately before the end of the term for which the vacating
 32 member was elected;

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



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

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

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

15 SECTION 35. IC 20-23-10-8, AS AMENDED BY P.L.233-2015,
16 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 8. (a) The board members of a merged school
18 corporation shall be elected at the first general election following the
19 merged school corporation's creation, and vacancies shall be filled in
20 accordance with ~~IC 20-23-4-30~~. **IC 3-13-10.5-3.**

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

24 (c) The first board of trustees shall select the name of the merged
25 school corporation by a majority vote. The name may be changed by
26 unanimous vote of the governing body of the merged school
27 corporation.

28 SECTION 36. IC 20-23-12-3, AS AMENDED BY
29 P.L.213-2018(ss), SECTION 16, IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The
31 emergency manager appointed by the distressed unit appeal board
32 under IC 6-1.1-20.3 shall act as the governing body of the school
33 corporation and has the powers set forth in IC 6-1.1-20.3-8.5, including
34 the powers and duties of the governing body of the school corporation.
35 The school corporation shall also have an advisory board that consists
36 of seven (7) members elected as follows:

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

38 (2) in a general election in the county.

39 The advisory board is created to provide nonbinding recommendations
40 to the emergency manager.

41 (b) Six (6) of the members shall be elected from the school districts
42 drawn under section 4 of this chapter. Each member:



- 1 (1) is elected from the school district in which the member
 2 resides; and
 3 (2) upon election and in conducting the business of the advisory
 4 board, represents the interests of the entire school corporation.
 5 (c) One (1) of the members elected:
 6 (1) is the at-large member of the advisory board;
 7 (2) may reside in any of the districts drawn under section 4 of this
 8 chapter; and
 9 (3) upon election and in conducting the business of the advisory
 10 board, represents the interests of the entire school corporation.
 11 (d) A per diem may not be paid to a member.
 12 (e) The advisory board may hold a public meeting subject to the
 13 limits on the number of meetings set forth in IC 6-1.1-20.3-6.8(d). The
 14 advisory board is subject to IC 5-14-1.5 (the open door law) for these
 15 meetings. The advisory board may hold additional meetings that are
 16 authorized as executive sessions under IC 5-14-1.5 (the open door law)
 17 as provided in IC 5-14-1.5-6.1. The advisory board is subject to the
 18 public notice requirements of IC 5-14-1.5 (the open door law) for these
 19 additional meetings. The records of the advisory board are subject to
 20 IC 5-14-3 (access to public records).

21 SECTION 37. IC 20-23-12-5, AS AMENDED BY
 22 P.L.213-2018(ss), SECTION 17, IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The six (6)
 24 members who are elected for a position on the advisory board
 25 described under section 3(b) of this chapter are determined as follows:

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

- 31 (A) ~~The name of the prospective candidate.~~
 32 (B) ~~The district in which the prospective candidate resides.~~
 33 (C) ~~The signatures of at least one hundred (100) registered~~
 34 ~~voters residing in the school corporation.~~
 35 (D) ~~The fact that the prospective candidate is running for a~~
 36 ~~district position.~~
 37 (E) ~~A certification that the prospective candidate meets the~~
 38 ~~qualifications for candidacy imposed by this chapter.~~

39 **Before January 1, 2023, candidates shall be nominated as**
 40 **provided in IC 3-8-2.5. After December 31, 2022, a candidate**
 41 **must be nominated as provided in IC 3-8-2 or IC 3-8-6,**
 42 **whichever is applicable to the particular candidate.**



1 (2) Only eligible voters residing in the district may vote for a
2 candidate.
3 (3) ~~The candidate within each district who receives the greatest~~
4 ~~number of votes in the district is elected. IC 3 governs the~~
5 ~~nomination and election of members of the advisory board~~
6 ~~under this subsection.~~
7 (b) The at-large member elected under section 3(c) of this chapter
8 is determined as follows:
9 (1) ~~Each prospective candidate must file a nomination petition~~
10 ~~with the clerk of the circuit court at least seventy-four (74) days~~
11 ~~before the election at which the at-large member is to be elected.~~
12 ~~The petition must include the following information:~~
13 (A) ~~The name of the prospective candidate.~~
14 (B) ~~The signatures of at least one hundred (100) registered~~
15 ~~voters residing within the school corporation.~~
16 (C) ~~The fact that the prospective candidate is running for the~~
17 ~~at-large position on the advisory board.~~
18 (D) ~~A certification that the prospective candidate meets the~~
19 ~~qualifications for candidacy imposed by this chapter.~~
20 **Before January 1, 2023, candidates shall be nominated as**
21 **provided in IC 3-8-2.5. After December 31, 2022, a candidate**
22 **must be nominated as provided in IC 3-8-2 or IC 3-8-6,**
23 **whichever is applicable to the particular candidate.**
24 (2) Only eligible voters residing in the school corporation may
25 vote for a candidate.
26 (3) ~~The candidate who:~~
27 (A) ~~runs for the at-large position on the advisory board; and~~
28 (B) ~~receives the greatest number of votes in the school~~
29 ~~corporation;~~
30 ~~is elected to the at-large position. IC 3 governs the nomination~~
31 ~~and election of the member of the advisory board under this~~
32 ~~subsection.~~
33 SECTION 38. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011,
34 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 2.1. (a) ~~As used in this section, "county~~
36 ~~election board" includes a board of elections and registration~~
37 ~~established under IC 3-6-5.2.~~
38 (b) (a) The voters of the school corporation shall elect the members
39 of the governing body at a general election for a term of four (4) years.
40 The members shall be elected from the city at large without reference
41 to district.
42 (c) (b) Each candidate for election to the governing body must file



1 a petition of nomination with the county election board in each county
 2 in which a school corporation subject to this chapter is located. The
 3 petition of nomination must comply with IC 3-8-2.5 and the following
 4 requirements:

- 5 (1) The petition must be signed by at least two hundred (200)
 6 legal voters of the school corporation.
 7 (2) Each petition may nominate only one (1) candidate.
 8 (3) The number of petitions signed by a legal voter may not
 9 exceed the number of school trustees to be elected.

10 **Before January 1, 2023, candidates shall be nominated as provided**
 11 **in IC 3-8-2.5. After December 31, 2022, a candidate must be**
 12 **nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is**
 13 **applicable to the particular candidate.**

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

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

- 22 (1) in alphabetical order;
 23 (2) without party designation; and
 24 (3) in the form prescribed by IC 3-11-2.

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

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

30 SECTION 39. IC 20-23-14-3, AS AMENDED BY P.L.271-2013,
 31 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 3. (a) The governing body of the school
 33 corporation consists of five (5) members. ~~elected on a nonpartisan~~
 34 ~~basis:~~

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

- 38 (1) is elected from the school district in which the member
 39 resides; and
 40 (2) upon election and in conducting the business of the governing
 41 body, represents the interests of the entire school corporation.

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



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

6 SECTION 40. IC 20-23-14-5, AS AMENDED BY P.L.6-2012,
 7 SECTION 127, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: Sec. 5. To be eligible to be a
 9 candidate for the governing body under this chapter, the following
 10 apply:

- 11 (1) ~~Each prospective candidate must file a petition of nomination~~
 12 ~~with the board of elections and registration not earlier than one~~
 13 ~~hundred four (104) days and not later than noon seventy-four (74)~~
 14 ~~days before the general election at which the members are to be~~
 15 ~~elected. The petition of nomination must include the following:~~
 16 (A) ~~The name of the prospective candidate.~~
 17 (B) ~~Whether the prospective candidate is a district candidate~~
 18 ~~or an at-large candidate.~~
 19 (C) ~~A certification that the prospective candidate meets the~~
 20 ~~qualifications for candidacy imposed under this chapter.~~
 21 (D) ~~The signatures of at least one hundred (100) registered~~
 22 ~~voters residing in the school corporation.~~

23 **Before January 1, 2023, candidates shall be nominated as**
 24 **provided in IC 3-8-2.5. After December 31, 2022, a candidate**
 25 **must be nominated as provided in IC 3-8-2 or IC 3-8-6,**
 26 **whichever is applicable to the particular candidate.**

- 27 (2) Each ~~prospective~~ candidate for a district position must:
 28 (A) reside in the district; ~~and~~
 29 (B) have resided in the district for at least the three (3) years
 30 immediately preceding the election; **and**
 31 **(C) certify that the candidate meets the qualifications for**
 32 **candidacy imposed under this chapter.**
 33 (3) Each ~~prospective~~ candidate for an at-large position must:
 34 (A) reside in the school corporation; and
 35 (B) have resided in the school corporation for at least the three
 36 (3) years immediately preceding the election.
 37 (4) Each ~~prospective~~ candidate (regardless of whether the
 38 candidate is a district candidate or an at-large candidate) must:
 39 (A) be a registered voter;
 40 (B) have been a registered voter for at least the three (3) years
 41 immediately preceding the election; and
 42 (C) be a high school graduate or have received a:



- 1 (i) high school equivalency certificate; or
 2 (ii) state general educational development (GED) diploma
 3 under IC 20-20-6 (before its repeal) or IC 22-4.1-18.
- 4 (5) A ~~prospective~~ candidate may not:
 5 (A) hold any other elective or appointive office; or
 6 (B) have a pecuniary interest in any contract with the school
 7 corporation or its governing body;
 8 as prohibited by law.
- 9 SECTION 41. IC 20-23-15-6, AS ADDED BY P.L.1-2005,
 10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 6. (a) The governing body of the school
 12 corporation consists of seven (7) members who shall be elected
 13 ~~(1) on a nonpartisan basis; and~~
 14 ~~(2) in the general election held in the county.~~
 15 (b) Five (5) of the members shall be elected from the school districts
 16 in which the members reside as established under section 7 of this
 17 chapter.
 18 (c) Two (2) of the members shall be elected at large.
 19 **(d) Before January 1, 2023, candidates shall be nominated as**
 20 **provided in IC 3-8-2.5. After December 31, 2022, a candidate must**
 21 **be nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is**
 22 **applicable to the particular candidate.**
- 23 SECTION 42. IC 20-23-17-3, AS AMENDED BY P.L.219-2013,
 24 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 3. (a) The governing body of the school
 26 corporation consists of five (5) members chosen as follows:
 27 (1) Three (3) members shall be elected by the voters of the school
 28 corporation at a general election to be held in the county and
 29 every four (4) years thereafter.
 30 (2) One (1) member shall be appointed by the city executive.
 31 (3) One (1) member shall be appointed by the city legislative
 32 body.
 33 (b) The members elected under subsection (a)(1) shall be elected as
 34 follows:
 35 ~~(1) On a nonpartisan basis:~~
 36 ~~(2) (1) In a general election held in the county.~~
 37 ~~(3) (2) By the registered voters of the entire school corporation.~~
 38 (c) The following apply to an election of members of the governing
 39 body of the school corporation under subsection (a)(1):
 40 (1) ~~Each candidate must file a petition of nomination with the~~
 41 ~~circuit court clerk not earlier than one hundred four (104) days~~
 42 ~~and not later than seventy-four (74) days before the election at~~



1 which members are to be elected. The petition of nomination must
2 include the following information:

3 (A) The name of the candidate:

4 (B) A certification that the candidate meets the qualifications
5 for candidacy imposed by this chapter:

6 **Before January 1, 2023, candidates shall be nominated as**
7 **provided in IC 3-8-2.5. After December 31, 2022, a candidate**
8 **must be nominated as provided in IC 3-8-2 or IC 3-8-6,**
9 **whichever is applicable to the particular candidate.**

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

12 SECTION 43. IC 20-23-17.2-3.1, AS AMENDED BY
13 P.L.193-2021, SECTION 106, IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) The
15 governing body of the school corporation consists of five (5) members,
16 elected as provided in this chapter.

17 (b) Three (3) members shall be elected as follows:

18 (1) From districts established as provided in section 4.1 of this
19 chapter.

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

21 ~~(1)~~ **(2)** At the general election held in the county in 2022 and
22 every four (4) years thereafter.

23 (c) Two (2) members shall be elected as follows:

24 (1) At large by all the voters of the school corporation.

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

26 ~~(1)~~ **(2)** At the general election held in the county in 2024 and
27 every four (4) years thereafter.

28 (d) The term of office of a member of the governing body:

29 (1) is four (4) years; and

30 (2) begins January 1 after the election of members of the
31 governing body.

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

35 SECTION 44. IC 20-23-17.2-5, AS AMENDED BY P.L.222-2015,
36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 5. (a) The following apply to an election of
38 members of the governing body of the school corporation under section
39 3.1(b) of this chapter:

40 (1) Each candidate must file a petition of nomination with the
41 circuit court clerk not earlier than one hundred four (104) days
42 and not later than seventy-four (74) days before the general



1 election at which members are to be elected. The petition of
 2 nomination must include the following information:

3 (A) The name of the candidate.

4 (B) The candidate's residence address and the district in which
 5 the candidate resides.

6 (C) The signatures of at least twenty (20) registered voters
 7 residing within the school corporation district the candidate
 8 seeks to represent.

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

11 (E) The school corporation district that the candidate seeks to
 12 represent.

13 **Before January 1, 2023, candidates shall be nominated as**
 14 **provided in IC 3-8-2.5. After December 31, 2022, a candidate**
 15 **must be nominated as provided in IC 3-8-2 or IC 3-8-6,**
 16 **whichever is applicable to the particular candidate.**

17 (2) Only eligible voters residing in the school corporation district
 18 as provided in section 4.1 of this chapter may vote for a candidate
 19 to represent that school corporation district.

20 (3) One (1) candidate shall be elected for each school corporation
 21 district provided by section 4.1 of this chapter. The candidate
 22 elected for a school corporation district must reside within the
 23 boundaries of the school corporation district. The candidate
 24 elected as the member for a particular school corporation district
 25 is the candidate who, among all the candidates who reside within
 26 that school corporation district, receives the greatest number of
 27 votes from voters residing in that school corporation district.

28 (b) The following apply to an election of the members of the
 29 governing body of the school corporation under section 3.1(c) of this
 30 chapter:

31 (1) Each candidate must file a petition of nomination with the
 32 circuit court clerk not earlier than one hundred four (104) days
 33 and not later than seventy-four (74) days before the general
 34 election at which members are to be elected. The petition of
 35 nomination must include the following information:

36 (A) The name of the candidate.

37 (B) The candidate's residence address.

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

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

42 (E) The fact that the candidate seeks to be elected from the



1 school corporation at large.

2 **Before January 1, 2023, candidates shall be nominated as**
 3 **provided in IC 3-8-2.5. After December 31, 2022, a candidate**
 4 **must be nominated as provided in IC 3-8-2 or IC 3-8-6,**
 5 **whichever is applicable to the particular candidate.**

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

8 (3) Two (2) candidates shall be elected at large. The two (2)
 9 candidates who receive the greatest number of votes among all
 10 candidates running for an at-large seat are elected as members of
 11 the governing body.

12 SECTION 45. IC 20-25-3-4, AS AMENDED BY P.L.219-2013,
 13 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 4. (a) The board consists of seven (7)
 15 members. A member:

16 (1) must be elected ~~on a nonpartisan basis~~ in general elections
 17 held in the county as specified in this section; and

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

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

23 (c) If a candidate runs for one (1) of the district positions on the
 24 board, only eligible voters residing in the candidate's district may vote
 25 for that candidate. If a person is a candidate for one (1) of the at-large
 26 positions, eligible voters from all the districts may vote for that
 27 candidate.

28 (d) ~~If a candidate files to run for a position on the board, the~~
 29 ~~candidate must specify whether the candidate is running for a district~~
 30 ~~or an at-large position. Before January 1, 2023, candidates shall be~~
 31 **nominated as provided in IC 3-8-2.5. After December 31, 2022, a**
 32 **candidate must be nominated as provided in IC 3-8-2 or IC 3-8-6,**
 33 **whichever is applicable to the particular candidate.**

34 (e) ~~A candidate who runs for a district or an at-large position wins~~
 35 ~~if the candidate receives the greatest number of votes of all the~~
 36 ~~candidates for the position. IC 3 governs the nomination and election~~
 37 **of the members of the board under this section.**

38 (f) Districts shall be established within the school city by the state
 39 board. The districts must be drawn on the basis of precinct lines, and
 40 as nearly as practicable, of equal population with the population of the
 41 largest district not to exceed the population of the smallest district by
 42 more than five percent (5%). District lines must not cross precinct



1 lines. The state board, **with assistance from the county election**
 2 **board**, shall establish:

3 (1) balloting procedures for the election under IC 3; and

4 (2) other procedures required to implement this section.

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

6 (h) In accordance with subsection (k), a vacancy in the board shall
 7 be filled temporarily by the board as soon as practicable after the
 8 vacancy occurs. The member chosen by the board to fill a vacancy
 9 holds office until the member's successor is elected and qualified. The
 10 successor shall be elected at the next regular school board election
 11 occurring after the date on which the vacancy occurs. The successor
 12 fills the vacancy for the remainder of the term.

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

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

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

30 SECTION 46. IC 20-26-4-4, AS AMENDED BY P.L.193-2021,
 31 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **This section does not**

33 **apply to:**

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

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

40 (b) If fewer candidates have been elected to the school board than
 41 there were members to be elected, the governing body shall determine
 42 not later than noon December 31 following the election which



1 incumbent member or members continue to hold office under Article
2 15, Section 3 of the Constitution of the State of Indiana until a
3 successor is elected and qualified. ~~However,~~

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

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

11 (2) **If subdivision (1) does not apply**, the remaining members of
12 the governing body shall by majority vote fill the vacancy by
13 appointing a ~~person~~ **an individual** from within the boundaries of
14 the school corporation. ~~with the residence and other qualifications~~
15 ~~provided for a regularly elected or appointed board member~~
16 ~~filling the membership, to serve for the term or the balance of the~~
17 ~~term. However, this subsection does not apply to a vacancy:~~

18 (1) ~~of a member who serves on a governing body in an ex officio~~
19 ~~capacity; or~~

20 (2) ~~a vacancy in an appointed board membership if a plan;~~
21 ~~resolution; or law under which the school corporation operates~~
22 ~~specifically provides for filling vacancies by the appointing~~
23 ~~authority.~~

24 (d) **An individual appointed as provided in this section:**

25 (1) **must possess the qualifications provided for a regularly**
26 **elected or appointed governing body member filling the**
27 **office; and**

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

29 SECTION 47. IC 20-26-4-4.5, AS AMENDED BY P.L.233-2015,
30 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: Sec. 4.5. (a) The definitions in IC 3-5-2 apply to
32 this section.

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

39 SECTION 48. IC 33-33-53-5, AS AMENDED BY P.L.179-2011,
40 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 5. In accordance with rules adopted by the
42 judges of the court under section 6 of this chapter, the presiding judge



- 1 shall do the following:
- 2 (1) Ensure that the court operates efficiently and judicially under
- 3 rules adopted by the court.
- 4 (2) Annually submit to the fiscal body of Monroe County a budget
- 5 for the court, including amounts necessary for:
- 6 (A) the operation of the circuit's probation department;
- 7 (B) the defense of indigents; and
- 8 (C) maintaining an adequate law library.
- 9 (3) Make the appointments or selections required of a circuit or
- 10 superior court judge under the following statutes:
- 11 IC 8-4-21-2
- 12 IC 11-12-2-2
- 13 IC 16-22-2-4
- 14 IC 16-22-2-11
- 15 IC 16-22-7
- 16 IC 20-23-4
- 17 IC 20-23-7-6
- 18 ~~IC 20-23-7-8.1~~
- 19 IC 20-26-7-8
- 20 IC 20-26-7-14
- 21 IC 20-47-2-15
- 22 IC 20-47-3-13
- 23 IC 36-9
- 24 IC 36-10
- 25 IC 36-12-10-10.
- 26 (4) Make appointments or selections required of a circuit or
- 27 superior court judge by any other statute, if the appointment or
- 28 selection is not required of the court because of an action before
- 29 the court.
- 30 **SECTION 49. An emergency is declared for this act.**

