

HOUSE BILL No. 1305

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; 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 with the 2022 primary election. Adjusts the deadlines and other details for a candidate for a school board office to file a declaration of candidacy to accommodate the date of the 2022 primary election. Repeals the current statute relating to nomination of candidates for school board offices. Provides that a superintendent hired by a school corporation must hold: (1) a master's degree from an accredited postsecondary educational institution; or (2) a bachelor's degree in business administration. Requires the state board of education to adopt rules to implement this provision. Repeals other superseded statutes. Makes conforming changes. Changes population parameters to reflect the population count determined under the 2020 decennial census.

Effective: Upon passage; July 1, 2022.

Miller D

January 11, 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. 1305

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 UPON PASSAGE]: 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 UPON PASSAGE]: 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 UPON PASSAGE]: Sec. 2. ~~A person~~ **An individual** who
- 42 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 3-8-2-24 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 24. (a) This section applies only to a
 6 declaration of candidacy by a candidate for election to a school
 7 board office at the 2022 primary election.

8 (b) Notwithstanding section 4 of this chapter, a declaration of
 9 candidacy for a candidate in the 2022 primary election must be
 10 filed not later than April 4, 2022.

11 (c) Notwithstanding sections 14 and 18 of this chapter, the
 12 validity of a declaration of candidacy filed under this section may
 13 not be challenged.

14 (d) Notwithstanding section 19 of this chapter, the county
 15 election board shall certify the names of the candidates for each
 16 school board election for the May 2022 primary election not later
 17 than April 11, 2022.

18 (e) Notwithstanding section 19 of this chapter and IC 5-3-1-2(c),
 19 the county election board shall publish the names of the candidates
 20 for school board offices at the May 2022 primary as provided in
 21 IC 5-3-1 not later than April 18, 2022.

22 (f) Notwithstanding sections 20, 21, and 23 of this chapter, both
 23 of the following apply:

24 (1) The declaration of candidacy of an individual filed under
 25 this chapter may not be withdrawn.

26 (2) The name of the candidate may not be removed from the
 27 primary election ballot.

28 The ineligibility of a candidate to hold the school board office must
 29 be contested under IC 3-12-8 after the primary election.

30 (g) Notwithstanding any other provision of this title, the county
 31 election board of a county holding a primary election for the
 32 nomination of candidates for school board offices may place the
 33 candidates for nomination for school board offices on a ballot
 34 separate from all other offices on the primary ballot so as not to
 35 delay the printing of the primary election ballot for those other
 36 offices.

37 (h) This section expires January 1, 2023.

38 SECTION 7. IC 3-8-2.5 IS REPEALED [EFFECTIVE UPON
 39 PASSAGE]. (Nomination for School Board Office).

40 SECTION 8. IC 3-8-6-1, AS AMENDED BY P.L.194-2013,
 41 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 1. (a) This chapter applies to a candidate for



1 nomination to an elected office who:

- 2 (1) is an independent candidate; or
 3 (2) represents a political party not qualified to nominate
 4 candidates in a primary or by convention.

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

7 SECTION 9. IC 3-8-7-28, AS AMENDED BY P.L.216-2015,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 28. (a) Except as provided in subsections (b)
 10 and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or
 11 IC 3-10-1 desires to withdraw as the nominee, the nominee must file a
 12 notice of withdrawal in writing with the public official with whom the
 13 certificate of nomination was filed by noon:

- 14 (1) July 15 before a general or municipal election;
 15 (2) August 1 before a municipal election in a town subject to
 16 IC 3-8-5-10;
 17 (3) on the date specified for town convention nominees under
 18 IC 3-8-5-14.5;
 19 (4) on the date specified for declared write-in candidates under
 20 IC 3-8-2-2.7; **or**
 21 ~~(5) on the date specified for a school board candidate under~~
 22 ~~IC 3-8-2.5-4; or~~
 23 ~~(6)~~ **(5)** forty-five (45) days before a special election.

24 (b) A candidate who is disqualified from being a candidate under
 25 IC 3-8-1-5 must file a notice of withdrawal immediately upon
 26 becoming disqualified. IC 3-8-8-7 and the filing requirements of
 27 subsection (a) do not apply to a notice of withdrawal filed under this
 28 subsection.

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

34 SECTION 10. IC 3-8-9-5, AS AMENDED BY P.L.278-2019,
 35 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 5. An individual required to file a statement
 37 under section 4 of this chapter shall file the statement as follows:

- 38 (1) With the individual's:
 39 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
 40 (B) petition of nomination under ~~IC 3-8-2.5~~ **or** IC 3-8-6 for an
 41 office described in IC 3-8-2-5 in a county with a separate
 42 board of registration under IC 3-7-12 after certification by the



- 1 board of registration;
 2 (C) petition of nomination under ~~IC 3-8-2.5~~ or IC 3-8-6 for an
 3 office described in IC 3-8-2-5 in a county that does not have a
 4 separate board of registration under IC 3-7-12;
 5 (D) petition of nomination under IC 3-8-6 for an office
 6 described in IC 3-8-2-5 after certification by the county voter
 7 registration office;
 8 (E) certificate of nomination under IC 3-10-2-15 or
 9 IC 3-10-6-12;
 10 (F) statement consenting to be a replacement candidate under
 11 IC 3-8-6-17;
 12 (G) declaration of intent to be a write-in candidate under
 13 IC 3-8-2-2.5; or
 14 (H) certificate of candidate selection under IC 3-13-1 or
 15 IC 3-13-2.
 16 (2) When the individual assumes a vacant elected office under
 17 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, **IC 3-13-10.5-3, or**
 18 **IC 3-13-11.** ~~or IC 20-23-4-30.~~ A statement filed under this
 19 subdivision must be filed not later than noon sixty (60) days after
 20 the individual assumes the elected office.

21 SECTION 11. IC 3-10-1-4 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) At a primary
 23 election each political party subject to section 2 of this chapter shall
 24 nominate its candidates for the following offices to be voted for at the
 25 general election:

- 26 (1) United States Senator.
 27 (2) Governor.
 28 (3) United States Representative.
 29 (4) Legislative offices.
 30 (5) Local offices.
 31 **(6) School board offices.**

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

- 34 (1) vote on candidates for nomination as President of the United
 35 States;
 36 (2) elect delegates from each county to the party's state
 37 convention; and
 38 (3) elect a precinct committeeman for each precinct in the county
 39 if precinct committeemen are to be elected under section 4.5 of
 40 this chapter.

41 SECTION 12. IC 3-10-1-18, AS AMENDED BY P.L.76-2014,
 42 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 18. (a) Except as provided by subsection (b),
 2 the names of all candidates for each office who have qualified under
 3 IC 3-8 shall be arranged in alphabetical order by surnames under the
 4 designation of the office.

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

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

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

36 SECTION 13. IC 3-10-1-19, AS AMENDED BY P.L.278-2019,
 37 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall
 39 be printed in substantially the form described in this section for all the
 40 offices for which candidates have qualified under IC 3-8.

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



1 "OFFICIAL PRIMARY BALLOT

2 _____ Party (insert the name of the political party)".
 3 (c) The following shall be printed immediately below the heading
 4 required by subsection (b) or be posted in each voting booth as
 5 provided in IC 3-11-2-8(b):

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

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

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

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

18 (d) Local public questions shall be placed on the primary election
 19 ballot after the heading and the voting instructions described in
 20 subsection (c) (if the instructions are printed on the ballot) and before
 21 the offices described in subsection (g).

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

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

25 (2) 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 3-11-13-11 if voting is by ballot card.

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

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

32 (B) After the heading and the voting instructions described in
 33 subsection (c) (if the instructions are printed on the ballot) and
 34 before the offices described in subsection (g), in the form
 35 specified in IC 3-11-14-3.5.

36 (f) A public question shall be placed on the primary election ballot
 37 in the following form:

38 (The explanatory text for the public question,
 39 if required by law.)

40 "Shall (insert public question)?"

41 YES

42 NO



1 (g) The offices with candidates for nomination shall be placed on
 2 the primary election ballot in the following order:

3 (1) Federal and state offices:

- 4 (A) President of the United States.
 5 (B) United States Senator.
 6 (C) Governor.
 7 (D) United States Representative.

8 (2) Legislative offices:

- 9 (A) State senator.
 10 (B) State representative.

11 (3) Circuit offices and county judicial offices:

- 12 (A) Judge of the circuit court, and unless otherwise specified
 13 under IC 33, with each division separate if there is more than
 14 one (1) judge of the circuit court.
 15 (B) Judge of the superior court, and unless otherwise specified
 16 under IC 33, with each division separate if there is more than
 17 one (1) judge of the superior court.
 18 (C) Judge of the probate court.
 19 (D) Prosecuting attorney.
 20 (E) Circuit court clerk.

21 (4) County offices:

- 22 (A) County auditor.
 23 (B) County recorder.
 24 (C) County treasurer.
 25 (D) County sheriff.
 26 (E) County coroner.
 27 (F) County surveyor.
 28 (G) County assessor.
 29 (H) County commissioner.
 30 (I) County council member.

31 (5) Township offices:

- 32 (A) Township assessor (only in a township referred to in
 33 IC 36-6-5-1(d)).
 34 (B) Township trustee.
 35 (C) Township board member.
 36 (D) Judge of the small claims court.
 37 (E) Constable of the small claims court.

38 (6) City offices:

- 39 (A) Mayor.
 40 (B) Clerk or clerk-treasurer.
 41 (C) Judge of the city court.
 42 (D) City-county council member or common council member.



- 1 (7) Town offices:
- 2 (A) Clerk-treasurer.
- 3 (B) Judge of the town court.
- 4 (C) Town council member.
- 5 **(8) School board offices.**
- 6 (h) The political party offices with candidates for election shall be
- 7 placed on the primary election ballot in the following order after the
- 8 offices described in subsection (g):
- 9 (1) Precinct committeeman.
- 10 (2) State convention delegate.
- 11 (i) The local offices to be elected at the primary election shall be
- 12 placed on the primary election ballot after the offices described in
- 13 subsection (h).
- 14 (j) The offices described in subsection (i) shall be placed as follows:
- 15 (1) In a separate column on the ballot if voting is by paper ballot.
- 16 (2) After the offices described in subsection (h) in the form
- 17 specified in IC 3-11-13-11 if voting is by ballot card.
- 18 (3) Either:
- 19 (A) on a separate screen for each office or public question; or
- 20 (B) after the offices described in subsection (h) in the form
- 21 specified in IC 3-11-14-3.5;
- 22 if voting is by an electronic voting system.
- 23 SECTION 14. IC 3-10-8-1, AS AMENDED BY P.L.219-2013,
- 24 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 UPON PASSAGE]: Sec. 1. A special election shall be held in the
- 26 following cases:
- 27 (1) Whenever two (2) or more candidates for a federal, state,
- 28 legislative, ~~or circuit or school board~~ office receive the ~~highest~~
- 29 **greatest** and an equal number of votes for the office, except as
- 30 provided in Article 5, Section 5 of the Constitution of the State of
- 31 Indiana. ~~or in IC 20.~~
- 32 (2) Whenever a vacancy occurs in the office of United States
- 33 Senator, as provided in IC 3-13-3-1.
- 34 (3) Whenever a vacancy occurs in the office of United States
- 35 Representative unless the vacancy occurs less than seventy-four
- 36 (74) days before a general election.
- 37 (4) Whenever a vacancy occurs in any local office the filling of
- 38 which is not otherwise provided by law.
- 39 (5) Whenever required by law for a public question.
- 40 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
- 41 recount commission under IC 3-12-11-18.
- 42 (7) Whenever required under IC 3-13-5 to fill a vacancy in a



1 legislative office unless the vacancy occurs less than seventy-four
2 (74) days before a general election.

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

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



- 1 (B) Township trustee.
- 2 (C) Township board member.
- 3 (D) Judge of the small claims court.
- 4 (E) Constable of the small claims court.
- 5 (6) City offices:
- 6 (A) Mayor.
- 7 (B) Clerk or clerk-treasurer.
- 8 (C) Judge of the city court.
- 9 (D) City-county council member or common council member.
- 10 (7) Town offices:
- 11 (A) Clerk-treasurer.
- 12 (B) Judge of the town court.
- 13 (C) Town council member.

(8) School board offices.

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

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

22 (c) Whenever candidates are to be elected to a county council, city
23 common council, or town council that includes both an at-large
24 member and a member representing a district, the candidates seeking
25 election as an at-large member shall be placed on the ballot before
26 candidates seeking to represent a district.

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

32 SECTION 17. IC 3-11-2-12.9 IS REPEALED [EFFECTIVE UPON
33 PASSAGE]. ~~Sec. 12.9: (a) School board offices to be elected at the~~
34 ~~general election shall be placed on the general election ballot after the~~
35 ~~offices described in section 12.4 of this chapter with each candidate for~~
36 ~~the office designated as "nonpartisan".~~

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

41 (c) ~~Whenever candidates are to be elected to a school board office~~
42 ~~that includes both an at-large member and a member representing a~~



1 district; the candidates seeking election as an at-large member shall be
 2 placed on the ballot before candidates seeking to represent a district.

3 SECTION 18. IC 3-11-2-13, AS AMENDED BY P.L.190-2011,
 4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 13. (a) The following offices shall be placed
 6 on the general election ballot in the following order after the offices
 7 described in section ~~12-9~~ **12.4** of this chapter:

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

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

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

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

20 SECTION 19. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,
 21 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (b), a
 23 ballot card voting system must permit a voter to vote:

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

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

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



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

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

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

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

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

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

17 (2) for one (1) or more candidates of each political party or
 18 independent candidates, or for one (1) or more ~~school board~~
 19 candidates nominated by petition;

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

22 (4) a straight party ticket and then split that ticket by casting
 23 individual votes for candidates of another political party or
 24 independent candidates.

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

28 (1) county council;

29 (2) city common council;

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

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

32 **(5) school board;**

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

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

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

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

42 (3) for all the candidates for presidential electors and alternate



- 1 presidential electors of a political party or an independent ticket
 2 by making a single voting mark.
- 3 SECTION 21. IC 3-11-13-11, AS AMENDED BY P.L.193-2021,
 4 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 11. (a) The ballot information, whether placed
 6 on the ballot card or on the marking device, must be in the order of
 7 arrangement provided for ballots under this section.
- 8 (b) Each county election board shall have the names of all
 9 candidates for all elected offices, political party offices, and public
 10 questions printed on a ballot card as provided in this chapter. The
 11 county may:
- 12 (1) print all offices and questions on a single ballot card; and
 - 13 (2) include a ballot variation code to ensure that the proper
 14 version of a ballot is used within a precinct.
- 15 (c) Each type of ballot card must be of uniform size and of the same
 16 quality and color of paper (except as permitted under IC 3-10-1-17).
- 17 (d) The nominees of a political party or an independent candidate
 18 or independent ticket (described in IC 3-11-2-6) nominated by
 19 petitioners shall be listed on the ballot with the name and device set
 20 forth on the certification or petition. The circle containing the device
 21 may be of any size that permits a voter to readily identify the device.
 22 IC 3-11-2-5 applies if the certification or petition does not include a
 23 name or device, or if the same device is selected by two (2) or more
 24 parties or petitioners.
- 25 (e) The offices and public questions on the general election ballot
 26 must be placed on the ballot in the order listed in IC 3-11-2-12,
 27 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),~~
 28 ~~IC 3-11-2-12.9(c),~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),
 29 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). The offices and
 30 public questions may be listed in a continuous column either vertically
 31 or horizontally and on a number of separate pages.
- 32 (f) The name of each office must be printed in a uniform size in bold
 33 type. A statement reading substantially as follows must be placed
 34 immediately below the name of the office and above the name of the
 35 first candidate:
- 36 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 37 elected to the office.
 - 38 (2) "Vote for not more than (insert the number of candidates to be
 39 elected) candidate(s) for this office. To vote for any candidate for
 40 this office, you must make a voting mark for each candidate you
 41 wish to vote for. A straight party vote will not count as a vote for
 42 any candidate for this office.", if more than one (1) candidate is to



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



1 surname.

2 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: "Vote for not more than (insert the number of
5 candidates to be elected) candidate(s) of ANY party for this office."

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

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

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

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

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

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

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

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

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

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

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

40 ~~(m)~~ ~~(l)~~ A public question must be in the form described in
41 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable
42 arrow, a circle, or an oval may be used instead of a square. Except as



1 expressly authorized or required by statute, a county election board
 2 may not print a ballot card that contains language concerning the public
 3 question other than the language authorized by a statute.

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

- 5 (1) do not replace; and
 6 (2) are in addition to;

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

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

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

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

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

19 SECTION 22. IC 3-11-14-3.5, AS AMENDED BY P.L.193-2021,
 20 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have
 22 the names of all candidates for all elected offices, political party
 23 offices, and public questions printed on ballot labels for use in an
 24 electronic voting system as provided in this chapter.

25 (b) The county may:

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

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

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

40 (e) The ballot labels must list the offices and public questions on the
 41 general election ballot in the order listed in IC 3-11-2-12,
 42 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);~~



1 ~~IC 3-11-2-12.9(c)~~; IC 3-11-2-13(a) through IC 3-11-2-13(c),
 2 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). Each office and
 3 public question may have a separate screen, or the offices and public
 4 questions may be listed in a continuous column either vertically or
 5 horizontally.

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

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

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

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

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

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

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

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

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

39 (6) A space for write-in voting is placed after the candidates listed
 40 in subdivisions (1) through (5), if required by law. A space for
 41 write-in voting for an office is not required if there are no
 42 declared write-in candidates for that office. However, procedures



- 1 must be implemented to permit write-in voting for candidates for
 2 federal offices.
- 3 (7) The name of a write-in candidate may not be listed on the
 4 ballot.
- 5 (h) The names of the candidates grouped in the order established by
 6 subsection (g) must be printed in type with uniform capital letters and
 7 have a uniform space between each name. The name of the candidate's
 8 political party, or the word "Independent", if the:
- 9 (1) candidate; or
 10 (2) ticket of candidates for:
 11 (A) President and Vice President of the United States; or
 12 (B) governor and lieutenant governor;
 13 is independent, must be placed immediately below or beside the name
 14 of the candidate and must be printed in uniform size and type.
- 15 (i) All the candidates of the same political party for election to
 16 at-large seats on the fiscal or legislative body of a political subdivision
 17 must be grouped together:
 18 (1) under the name of the office that the candidates are seeking;
 19 (2) in the party order established by subsection (g); and
 20 (3) within the political party, in alphabetical order according to
 21 surname.
- 22 A statement reading substantially as follows must be placed
 23 immediately below the name of the office and above the name of the
 24 first candidate: "Vote for not more than (insert the number of
 25 candidates to be elected) candidate(s) of ANY party for this office."
- 26 ~~(j) Candidates for election to at-large seats on the governing body
 27 of a school corporation must be grouped:~~
 28 ~~(1) under the name of the office that the candidates are seeking;~~
 29 ~~and~~
 30 ~~(2) in alphabetical order according to surname.~~
- 31 A statement reading substantially as follows must be placed
 32 immediately below the name of the office and above the name of the
 33 first candidate: "Vote for not more than (insert the number of
 34 candidates to be elected) candidate(s) for this office."
- 35 ~~(k) (j)~~ (j) The cautionary statement described in IC 3-11-2-7 must be
 36 placed at the top or beginning of the ballot label before the first public
 37 question is listed.
- 38 ~~(k)~~ (k) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
 39 and IC 3-11-2-10(e) may be:
 40 (1) placed on the ballot label; or
 41 (2) posted in a location within the voting booth that permits the
 42 voter to easily read the instructions.



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

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

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

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

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

- 26 (1) do not replace; and
 27 (2) are in addition to;

28 any other requirements in this title that apply to ballots for electronic
 29 voting systems.

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

34 SECTION 23. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,
 35 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 7. (a) This subsection applies whenever a
 37 voter:

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

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



1 (b) This subsection applies whenever:

2 (1) a voter has voted a straight party ticket for the candidates of
3 one (1) political party;

4 (2) only one (1) person may be elected to an office; and

5 (3) the voter has voted for one (1) individual candidate for the
6 office described in subdivision (2) who is:

7 (A) a candidate of a political party other than the party for
8 which the voter voted a straight ticket; or

9 (B) an independent candidate or declared write-in candidate
10 for the office.

11 If the voter has voted for one (1) individual candidate for the office
12 described in subdivision (2), the individual candidate vote for that
13 office shall be counted, the straight party ticket vote for that office may
14 not be counted, and the straight party ticket votes for other offices on
15 the ballot shall be counted.

16 (c) This subsection applies whenever:

17 (1) a voter has voted a straight party ticket for the candidates of
18 one (1) political party; and

19 (2) the voter has voted for more individual candidates for the
20 office than the number of persons to be elected to that office.

21 The individual candidate votes for that office may not be counted, the
22 straight party ticket vote for that office may not be counted, and the
23 straight party ticket votes for other offices on the ballot shall be
24 counted.

25 (d) This subsection applies whenever:

26 (1) a voter has voted a straight party ticket for the candidates of
27 one (1) political party;

28 (2) more than one (1) person may be elected to an office; and

29 (3) the voter has voted for individual candidates for the office
30 described in subdivision (2) who are:

31 (A) independent candidates or declared write-in candidates;

32 (B) candidates of a political party other than the political party
33 for which the voter cast a straight party ticket under
34 subdivision (1); or

35 (C) a combination of candidates described in clauses (A) and
36 (B).

37 The individual votes cast by the voter for the office for the independent
38 candidates, declared write-in candidates, and the candidates of a
39 political party other than the political party for which the voter cast a
40 straight party ticket shall be counted unless the total number of these
41 individual votes is greater than the number of persons to be elected to
42 the office. The straight party ticket votes for the office shall not be



1 counted. The straight party ticket votes for other offices on the voter's
2 ballot shall be counted.

3 (e) This subsection applies whenever:

4 (1) a voter has voted a straight party ticket for the candidates of
5 one (1) political party;

6 (2) more than one (1) person may be elected to an office; and

7 (3) the voter has voted for individual candidates for the office
8 described in subdivision (2) who are:

9 (A) independent candidates, declared write-in candidates, or
10 candidates of a political party other than the political party for
11 which the voter cast a straight party ticket under subdivision
12 (1); and

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

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

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

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

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

37 SECTION 24. IC 3-12-9-3, AS AMENDED BY P.L.230-2005,
38 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 3. Whenever a circuit court clerk receives
40 certification that a tie vote at an election for a local office or a school
41 board office occurred, the clerk shall immediately send a written notice
42 of the tie vote to **the following**:



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

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

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

8 SECTION 25. IC 3-12-9-4, AS AMENDED BY P.L.85-2017,
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 4. **(a) This section does not apply if a tie
 11 vote occurred in an election for a school board office.**

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

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

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

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

35 SECTION 26. IC 3-12-9-5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Whenever a tie
 37 vote at an election for:

38 (1) a state office; ~~or~~

39 (2) a local office; ~~or~~

40 ~~(3) a school board office;~~

41 occurs, the incumbent public official remains in office in accordance
 42 with Article 15, Section 3 of the Constitution of the State of Indiana



1 until a successor is elected under this chapter and qualified.

2 SECTION 27. IC 3-13-10.5 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]:

5 **Chapter 10.5. School Corporation Governing Body; Resolving**
6 **Tie Votes; Filling Vacancies**

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

9 (1) **The governing body of a school corporation.**

10 (2) **The school advisory body of a school corporation.**

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

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

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

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

28 (e) **If a member of the governing body is one (1) of the**
29 **candidates involved in the tie vote, that member may not cast a**
30 **vote under this section.**

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

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

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

41 SECTION 28. IC 20-23-4-29.1, AS ADDED BY P.L.179-2011,
42 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 29.1. (a) This section applies to each school
2 corporation.

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

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

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

13 (B) by all the voters of the school corporation from
14 residence districts; or

15 (C) solely by the voters of each election district established
16 under the plan.

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

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

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

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



1 voted on from a board member residence district. The candidates who
 2 receive the most votes are elected. However, if more than the
 3 maximum number that may be elected from a residence district are
 4 among those receiving the most votes, the candidates from the
 5 residence districts exceeding the maximum number who receive the
 6 fewest votes shall be eliminated in determining the candidates who are
 7 elected.

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

15 SECTION 29. IC 20-23-4-30, AS AMENDED BY P.L.193-2021,
 16 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) This section applies to
 18 each school corporation.

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

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

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

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

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

40 the judge of the circuit court in the county where the majority of
 41 registered voters of the school corporation reside shall make the
 42 appointment. ~~the vacancy shall be filled as provided in~~



1 **IC 3-13-10.5-3.**

2 ~~(d)~~ **(e)** A vacancy in the governing body occurs if a member ceases
3 to be a resident of ~~any~~ **the** community school corporation. A vacancy
4 does not occur when the member moves from a district of the school
5 corporation from which the member was elected or appointed if the
6 member continues to be a resident of the school corporation.

7 ~~(e)~~ **(f)** At the first general election in which members of the
8 governing body are elected:

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

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

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

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

25 SECTION 30. IC 20-23-4-35, AS AMENDED BY P.L.271-2013,
26 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 35. (a) The governing body of a school
28 corporation may be organized under this section.

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

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

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

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

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



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



1 (j) The limitations set forth in this section are part of the plan, but
 2 do not have to be specifically set forth in the plan. The plan must be
 3 construed, if possible, to comply with this chapter. If a provision of the
 4 plan or an application of the plan violates this chapter, the invalidity
 5 does not affect the other provisions or applications of the plan that can
 6 be given effect without the invalid provision or application. The
 7 provisions of the plan are severable.

8 (k) If a conflict exists between:

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

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

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

15 SECTION 31. IC 20-23-4-44, AS AMENDED BY P.L.119-2012,
 16 SECTION 145, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 44. (a) This section applies only
 18 to a school corporation with territory in a county having a population
 19 of more than ~~one hundred seventy thousand (170,000)~~ but less than one
 20 ~~hundred seventy-five thousand (175,000)~~: **one hundred eighty-five**
 21 **thousand (185,000) and less than two hundred thousand (200,000).**

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

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

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

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

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

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

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

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

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

40 ~~(2) shall fill the remainder of the unexpired term of the vacating~~
 41 ~~member.~~

42 (e) If a tie vote occurs among the remaining members of the



1 governing body or the governing body fails to act within thirty (30)
 2 days after the election or the vacancy occurs; the fiscal body (as
 3 defined in IC 3-5-2-25) of the township in which the greatest
 4 percentage of population of the school district resides shall break the
 5 tie or make the appointment. A member of the fiscal body who was a
 6 candidate and is involved in a tie vote may not cast a vote under this
 7 subsection.

8 (f) If the fiscal body of a township is required to act under this
 9 section and a vote in the fiscal body results in a tie; the deciding vote
 10 to break the tie vote shall be cast by the executive.

11 SECTION 32. IC 20-23-7-8.1, AS AMENDED BY P.L.219-2013,
 12 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 8.1. (a) The registered voters of the
 14 metropolitan school district shall elect the members of the metropolitan
 15 board of education at general elections held biennially, beginning with
 16 the next general election that is held more than sixty (60) days after the
 17 creation of the metropolitan school district as provided in this chapter.

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

23 (c) Nominees for the board shall be listed on the general election
 24 ballot:

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

26 (2) by board member districts; and

27 (3) without party designation.

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

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

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

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

41 (1) the number of candidates elected is the greatest number that
 42 may be elected from the board member district;



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

5 **(b) IC 3 governs the nomination and election of candidates. A**
 6 **candidate must be nominated as provided in IC 3-8-2 or IC 3-8-6,**
 7 **whichever is applicable to the particular candidate.**

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

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

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

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

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

29 ~~(i)~~ **(e)** At a general election held on the earlier of:

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

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

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



1 elected candidate who receives the fewest votes at the election at which
 2 the successor is elected shall serve for a two (2) year term.

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

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

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

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

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

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

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

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

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

42 (b) Six (6) of the members shall be elected from the school districts



1 drawn under section 4 of this chapter. Each member:

2 (1) is elected from the school district in which the member
3 resides; and

4 (2) upon election and in conducting the business of the advisory
5 board, represents the interests of the entire school corporation.

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

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

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

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

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

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

22 SECTION 35. IC 20-23-12-5, AS AMENDED BY
23 P.L.213-2018(ss), SECTION 17, IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The six (6)
25 members who are elected for a position on the advisory board
26 described under section 3(b) of this chapter are determined as follows:

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

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

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

34 ~~(C) The signatures of at least one hundred (100) registered~~
35 ~~voters residing in the school corporation.~~

36 ~~(D) The fact that the prospective candidate is running for a~~
37 ~~district position.~~

38 ~~(E) A certification that the prospective candidate meets the~~
39 ~~qualifications for candidacy imposed by this chapter. **shall be**~~
40 ~~**nominated as provided in IC 3-8-2 or IC 3-8-6, whichever**~~
41 ~~**is applicable to the particular candidate.**~~

42 (2) Only eligible voters residing in the district may vote for a



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



1 requirements:

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

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

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

9 (d) (c) After all the petitions described in subsection (e) are filed
10 with the county election board; the board shall publish the names of
11 those nominated in accordance with IC 5-3-1 and shall certify the
12 nominations in the manner required by law. IC 3 governs the election
13 to the extent that it is not inconsistent with this chapter.

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

17 (1) in alphabetical order;

18 (2) without party designation; and

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

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

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

25 SECTION 37. IC 20-23-14-3, AS AMENDED BY P.L.271-2013,
26 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 3. (a) The governing body of the school
28 corporation consists of five (5) members. ~~elected on a nonpartisan~~
29 ~~basis.~~

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

33 (1) is elected from the school district in which the member
34 resides; and

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

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

38 (1) are elected by eligible voters residing in the school
39 corporation;

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

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



1 SECTION 38. IC 20-23-14-5, AS AMENDED BY P.L.6-2012,
 2 SECTION 127, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: Sec. 5. To be eligible to be a
 4 candidate for the governing body under this chapter, the following
 5 apply:

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

11 (A) The name of the prospective candidate;

12 (B) Whether the prospective candidate is a district candidate
 13 or an at-large candidate;

14 (C) A certification that the prospective candidate meets the
 15 qualifications for candidacy imposed under this chapter;

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

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

21 (A) reside in the district; **and**

22 (B) have resided in the district for at least the three (3) years
 23 immediately preceding the election; **and**

24 **(C) certify that the candidate meets the qualifications for**
 25 **candidacy imposed under this chapter.**

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

27 (A) reside in the school corporation; and

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

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

32 (A) be a registered voter;

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

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

36 (i) high school equivalency certificate; or

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

39 (5) A prospective candidate may not:

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

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



- 1 as prohibited by law.
- 2 SECTION 39. IC 20-23-15-6, AS ADDED BY P.L.1-2005,
 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 UPON PASSAGE]: Sec. 6. (a) The governing body of the school
 5 corporation consists of seven (7) members who shall be elected
 6 ~~(1) on a nonpartisan basis; and~~
 7 ~~(2) in the general election held in the county.~~
 8 (b) Five (5) of the members shall be elected from the school districts
 9 in which the members reside as established under section 7 of this
 10 chapter.
 11 (c) Two (2) of the members shall be elected at large.
 12 **(d) Each candidate for election shall be nominated as provided**
 13 **in IC 3-8-2 or IC 3-8-6, whichever is applicable to the particular**
 14 **candidate.**
- 15 SECTION 40. IC 20-23-17-3, AS AMENDED BY P.L.219-2013,
 16 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 3. (a) The governing body of the school
 18 corporation consists of five (5) members chosen as follows:
 19 (1) Three (3) members shall be elected by the voters of the school
 20 corporation at a general election to be held in the county and
 21 every four (4) years thereafter.
 22 (2) One (1) member shall be appointed by the city executive.
 23 (3) One (1) member shall be appointed by the city legislative
 24 body.
 25 (b) The members elected under subsection (a)(1) shall be elected as
 26 follows:
 27 ~~(1) On a nonpartisan basis:~~
 28 ~~(2) (1) In a general election held in the county.~~
 29 ~~(3) (2) By the registered voters of the entire school corporation.~~
 30 (c) The following apply to an election of members of the governing
 31 body of the school corporation under subsection (a)(1):
 32 (1) Each candidate ~~must file a petition of nomination with the~~
 33 ~~circuit court clerk not earlier than one hundred four (104) days~~
 34 ~~and not later than seventy-four (74) days before the election at~~
 35 ~~which members are to be elected. The petition of nomination must~~
 36 ~~include the following information:~~
 37 ~~(A) The name of the candidate:~~
 38 ~~(B) A certification that the candidate meets the qualifications~~
 39 ~~for candidacy imposed by this chapter. **for election shall be**~~
 40 **nominated as provided in IC 3-8-2 or IC 3-8-6, whichever**
 41 **is applicable to the particular candidate.**
 42 (2) Only eligible voters residing in the school corporation may



- 1 vote for a candidate seeking election.
- 2 SECTION 41. IC 20-23-17.2-3.1, AS AMENDED BY
- 3 P.L.193-2021, SECTION 106, IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) The
- 5 governing body of the school corporation consists of five (5) members,
- 6 elected as provided in this chapter.
- 7 (b) Three (3) members shall be elected as follows:
- 8 (1) From districts established as provided in section 4.1 of this
- 9 chapter.
- 10 ~~(2) On a nonpartisan basis:~~
- 11 ~~(3) (2) At the general election held in the county in 2022 and~~
- 12 ~~every four (4) years thereafter.~~
- 13 (c) Two (2) members shall be elected as follows:
- 14 (1) At large by all the voters of the school corporation.
- 15 ~~(2) On a nonpartisan basis:~~
- 16 ~~(3) (2) At the general election held in the county in 2024 and~~
- 17 ~~every four (4) years thereafter.~~
- 18 (d) The term of office of a member of the governing body:
- 19 (1) is four (4) years; and
- 20 (2) begins January 1 after the election of members of the
- 21 governing body.
- 22 (e) Upon assuming office and in conducting the business of the
- 23 governing body, a member shall represent the interests of the entire
- 24 school corporation.
- 25 SECTION 42. IC 20-23-17.2-5, AS AMENDED BY P.L.222-2015,
- 26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 UPON PASSAGE]: Sec. 5. (a) The following apply to an election of
- 28 members of the governing body of the school corporation under section
- 29 3.1(b) of this chapter:
- 30 (1) Each candidate ~~must file a petition of nomination with the~~
- 31 ~~circuit court clerk not earlier than one hundred four (104) days~~
- 32 ~~and not later than seventy-four (74) days before the general~~
- 33 ~~election at which members are to be elected: The petition of~~
- 34 ~~nomination must include the following information:~~
- 35 ~~(A) The name of the candidate:~~
- 36 ~~(B) The candidate's residence address and the district in which~~
- 37 ~~the candidate resides:~~
- 38 ~~(C) The signatures of at least twenty (20) registered voters~~
- 39 ~~residing within the school corporation district the candidate~~
- 40 ~~seeks to represent:~~
- 41 ~~(D) A certification that the candidate meets the qualifications~~
- 42 ~~for candidacy imposed by this chapter:~~



- 1 (E) ~~The school corporation district that the candidate seeks to~~
 2 ~~represent. for election shall be nominated as provided in~~
 3 **IC 3-8-2 or IC 3-8-6, whichever is applicable to the**
 4 **particular candidate.**
- 5 (2) Only eligible voters residing in the school corporation district
 6 as provided in section 4.1 of this chapter may vote for a candidate
 7 to represent that school corporation district.
- 8 (3) One (1) candidate shall be elected for each school corporation
 9 district provided by section 4.1 of this chapter. The candidate
 10 elected for a school corporation district must reside within the
 11 boundaries of the school corporation district. The candidate
 12 elected as the member for a particular school corporation district
 13 is the candidate who, among all the candidates who reside within
 14 that school corporation district, receives the greatest number of
 15 votes from voters residing in that school corporation district.
- 16 (b) The following apply to an election of the members of the
 17 governing body of the school corporation under section 3.1(c) of this
 18 chapter:
- 19 (1) Each candidate ~~must file a petition of nomination with the~~
 20 ~~circuit court clerk not earlier than one hundred four (104) days~~
 21 ~~and not later than seventy-four (74) days before the general~~
 22 ~~election at which members are to be elected. The petition of~~
 23 ~~nomination must include the following information:~~
- 24 (A) ~~The name of the candidate.~~
 25 (B) ~~The candidate's residence address.~~
 26 (C) ~~The signatures of at least one hundred (100) registered~~
 27 ~~voters residing within the school corporation.~~
 28 (D) ~~A certification that the candidate meets the qualifications~~
 29 ~~for candidacy imposed by this chapter.~~
 30 (E) ~~The fact that the candidate seeks to be elected from the~~
 31 ~~school corporation at large. for election shall be nominated~~
 32 **as provided in IC 3-8-2 or IC 3-8-6, whichever is applicable**
 33 **to the particular candidate.**
- 34 (2) Only eligible voters residing in the school corporation may
 35 vote for a candidate.
- 36 (3) Two (2) candidates shall be elected at large. The two (2)
 37 candidates who receive the greatest number of votes among all
 38 candidates running for an at-large seat are elected as members of
 39 the governing body.
- 40 SECTION 43. IC 20-25-3-4, AS AMENDED BY P.L.219-2013,
 41 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 4. (a) The board consists of seven (7)



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



1 board to take office may not be more than fourteen (14) months after
 2 the date of the member's election. If the school corporation's
 3 organization plan does not set a date for a member of the board to take
 4 office, the member takes office January 1 immediately following the
 5 individual's election.

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

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

15 SECTION 44. IC 20-26-4-4, AS AMENDED BY P.L.193-2021,
 16 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) This section does not**
 18 **apply to:**

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

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

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

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

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

38 **(2) If subdivision (1) does not apply**, the remaining members of
 39 the governing body shall by majority vote fill the vacancy by
 40 appointing a ~~person~~ **an individual** from within the boundaries of
 41 the school corporation. ~~with the residence and other qualifications~~
 42 ~~provided for a regularly elected or appointed board member~~



1 filling the membership; to serve for the term or the balance of the
 2 term. However, this subsection does not apply to a vacancy:

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

5 (2) a vacancy in an appointed board membership if a plan;
 6 resolution; or law under which the school corporation operates
 7 specifically provides for filling vacancies by the appointing
 8 authority.

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

10 **(1) must possess the qualifications provided for a regularly**
 11 **elected or appointed governing body member filling the**
 12 **office; and**

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

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

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

24 SECTION 46. IC 20-26-5-4, AS AMENDED BY P.L.270-2019,
 25 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 4. (a) In carrying out the school purposes of a
 27 school corporation, the governing body acting on the school
 28 corporation's behalf has the following specific powers:

29 (1) In the name of the school corporation, to sue and be sued and
 30 to enter into contracts in matters permitted by applicable law.
 31 However, a governing body may not use funds received from the
 32 state to bring or join in an action against the state, unless the
 33 governing body is challenging an adverse decision by a state
 34 agency, board, or commission.

35 (2) To take charge of, manage, and conduct the educational affairs
 36 of the school corporation and to establish, locate, and provide the
 37 necessary schools, school libraries, other libraries where
 38 permitted by law, other buildings, facilities, property, and
 39 equipment.

40 (3) To appropriate from the school corporation's general fund
 41 (before January 1, 2019) or the school corporation's operations
 42 fund (after December 31, 2018) an amount, not to exceed the



1 greater of three thousand dollars (\$3,000) per budget year or one
 2 dollar (\$1) per pupil, not to exceed twelve thousand five hundred
 3 dollars (\$12,500), based on the school corporation's ADM of the
 4 previous year (as defined in IC 20-43-1-7) to promote the best
 5 interests of the school corporation through:

6 (A) the purchase of meals, decorations, memorabilia, or
 7 awards;

8 (B) provision for expenses incurred in interviewing job
 9 applicants; or

10 (C) developing relations with other governmental units.

11 (4) To do the following:

12 (A) Acquire, construct, erect, maintain, hold, and contract for
 13 construction, erection, or maintenance of real estate, real estate
 14 improvements, or an interest in real estate or real estate
 15 improvements, as the governing body considers necessary for
 16 school purposes, including buildings, parts of buildings,
 17 additions to buildings, rooms, gymnasiums, auditoriums,
 18 playgrounds, playing and athletic fields, facilities for physical
 19 training, buildings for administrative, office, warehouse, repair
 20 activities, or housing school owned buses, landscaping, walks,
 21 drives, parking areas, roadways, easements and facilities for
 22 power, sewer, water, roadway, access, storm and surface
 23 water, drinking water, gas, electricity, other utilities and
 24 similar purposes, by purchase, either outright for cash (or
 25 under conditional sales or purchase money contracts providing
 26 for a retention of a security interest by the seller until payment
 27 is made or by notes where the contract, security retention, or
 28 note is permitted by applicable law), by exchange, by gift, by
 29 devise, by eminent domain, by lease with or without option to
 30 purchase, or by lease under IC 20-47-2, IC 20-47-3, or
 31 IC 20-47-5.

32 (B) Repair, remodel, remove, or demolish, or to contract for
 33 the repair, remodeling, removal, or demolition of the real
 34 estate, real estate improvements, or interest in the real estate
 35 or real estate improvements, as the governing body considers
 36 necessary for school purposes.

37 (C) Provide for conservation measures through utility
 38 efficiency programs or under a guaranteed savings contract as
 39 described in IC 36-1-12.5.

40 (5) To acquire personal property or an interest in personal
 41 property as the governing body considers necessary for school
 42 purposes, including buses, motor vehicles, equipment, apparatus,



1 appliances, books, furniture, and supplies, either by cash purchase
 2 or under conditional sales or purchase money contracts providing
 3 for a security interest by the seller until payment is made or by
 4 notes where the contract, security, retention, or note is permitted
 5 by applicable law, by gift, by devise, by loan, or by lease with or
 6 without option to purchase and to repair, remodel, remove,
 7 relocate, and demolish the personal property. All purchases and
 8 contracts specified under the powers authorized under subdivision
 9 (4) and this subdivision are subject solely to applicable law
 10 relating to purchases and contracting by municipal corporations
 11 in general and to the supervisory control of state agencies as
 12 provided in section 6 of this chapter.

13 (6) To sell or exchange real or personal property or interest in real
 14 or personal property that, in the opinion of the governing body, is
 15 not necessary for school purposes, in accordance with IC 20-26-7
 16 and IC 20-26-7.1, to demolish or otherwise dispose of the
 17 property if, in the opinion of the governing body, the property is
 18 not necessary for school purposes and is worthless, and to pay the
 19 expenses for the demolition or disposition.

20 (7) To lease any school property for a rental that the governing
 21 body considers reasonable or to permit the free use of school
 22 property for:

23 (A) civic or public purposes; or
 24 (B) the operation of a school age child care program for
 25 children who are at least five (5) years of age and less than
 26 fifteen (15) years of age that operates before or after the school
 27 day, or both, and during periods when school is not in session;
 28 if the property is not needed for school purposes. Under this
 29 subdivision, the governing body may enter into a long term lease
 30 with a nonprofit corporation, community service organization, or
 31 other governmental entity, if the corporation, organization, or
 32 other governmental entity will use the property to be leased for
 33 civic or public purposes or for a school age child care program.
 34 However, if payment for the property subject to a long term lease
 35 is made from money in the school corporation's debt service fund,
 36 all proceeds from the long term lease must be deposited in the
 37 school corporation's debt service fund so long as payment for the
 38 property has not been made. The governing body may, at the
 39 governing body's option, use the procedure specified in
 40 IC 36-1-11-10 in leasing property under this subdivision.

41 (8) To do the following:

42 (A) Employ, contract for, and discharge superintendents,



1 supervisors, principals, teachers, librarians, athletic coaches
 2 (whether or not they are otherwise employed by the school
 3 corporation and whether or not they are licensed under
 4 IC 20-28-5), business managers, superintendents of buildings
 5 and grounds, janitors, engineers, architects, physicians,
 6 dentists, nurses, accountants, teacher aides performing
 7 noninstructional duties, educational and other professional
 8 consultants, data processing and computer service for school
 9 purposes, including the making of schedules, the keeping and
 10 analyzing of grades and other student data, the keeping and
 11 preparing of warrants, payroll, and similar data where
 12 approved by the state board of accounts as provided below,
 13 and other personnel or services as the governing body
 14 considers necessary for school purposes.

15 (B) Fix and pay the salaries and compensation of persons and
 16 services described in this subdivision that are consistent with
 17 IC 20-28-9-1.5.

18 (C) Classify persons or services described in this subdivision
 19 and to adopt a compensation plan with a salary range that is
 20 consistent with IC 20-28-9-1.5.

21 (D) Determine the number of the persons or the amount of the
 22 services employed or contracted for as provided in this
 23 subdivision.

24 (E) Determine the nature and extent of the duties of the
 25 persons described in this subdivision.

26 The compensation, terms of employment, and discharge of
 27 teachers are, however, subject to and governed by the laws
 28 relating to employment, contracting, compensation, and discharge
 29 of teachers. The compensation, terms of employment, and
 30 discharge of bus drivers are subject to and governed by laws
 31 relating to employment, contracting, compensation, and discharge
 32 of bus drivers.

33 (9) Notwithstanding the appropriation limitation in subdivision
 34 (3), when the governing body by resolution considers a trip by an
 35 employee of the school corporation or by a member of the
 36 governing body to be in the interest of the school corporation,
 37 including attending meetings, conferences, or examining
 38 equipment, buildings, and installation in other areas, to permit the
 39 employee to be absent in connection with the trip without any loss
 40 in pay and to reimburse the employee or the member the
 41 employee's or member's reasonable lodging and meal expenses
 42 and necessary transportation expenses. To pay teaching personnel



- 1 for time spent in sponsoring and working with school related trips
2 or activities.
- 3 (10) Subject to IC 20-27-13, to transport children to and from
4 school, when in the opinion of the governing body the
5 transportation is necessary, including considerations for the safety
6 of the children. The transportation must be otherwise in
7 accordance with applicable law.
- 8 (11) To provide a lunch program for a part or all of the students
9 attending the schools of the school corporation, including the
10 establishment of kitchens, kitchen facilities, kitchen equipment,
11 lunch rooms, the hiring of the necessary personnel to operate the
12 lunch program, and the purchase of material and supplies for the
13 lunch program, charging students for the operational costs of the
14 lunch program, fixing the price per meal or per food item. To
15 operate the lunch program as an extracurricular activity, subject
16 to the supervision of the governing body. To participate in a
17 surplus commodity or lunch aid program.
- 18 (12) To purchase curricular materials, to furnish curricular
19 materials without cost or to rent curricular materials to students,
20 and to participate in a curricular materials aid program, all in
21 accordance with applicable law.
- 22 (13) To accept students transferred from other school corporations
23 and to transfer students to other school corporations in accordance
24 with applicable law.
- 25 (14) To make budgets, to appropriate funds, and to disburse the
26 money of the school corporation in accordance with applicable
27 law. To borrow money against current tax collections and
28 otherwise to borrow money, in accordance with IC 20-48-1.
- 29 (15) To purchase insurance or to establish and maintain a
30 program of self-insurance relating to the liability of the school
31 corporation or the school corporation's employees in connection
32 with motor vehicles or property and for additional coverage to the
33 extent permitted and in accordance with IC 34-13-3-20. To
34 purchase additional insurance or to establish and maintain a
35 program of self-insurance protecting the school corporation and
36 members of the governing body, employees, contractors, or agents
37 of the school corporation from liability, risk, accident, or loss
38 related to school property, school contract, school or school
39 related activity, including the purchase of insurance or the
40 establishment and maintenance of a self-insurance program
41 protecting persons described in this subdivision against false
42 imprisonment, false arrest, libel, or slander for acts committed in



1 the course of the persons' employment, protecting the school
 2 corporation for fire and extended coverage and other casualty
 3 risks to the extent of replacement cost, loss of use, and other
 4 insurable risks relating to property owned, leased, or held by the
 5 school corporation. In accordance with IC 20-26-17, to:

6 (A) participate in a state employee health plan under
 7 IC 5-10-8-6.7;

8 (B) purchase insurance; or

9 (C) establish and maintain a program of self-insurance;
 10 to benefit school corporation employees, including accident,
 11 sickness, health, or dental coverage, provided that a plan of
 12 self-insurance must include an aggregate stop-loss provision.

13 (16) To make all applications, to enter into all contracts, and to
 14 sign all documents necessary for the receipt of aid, money, or
 15 property from the state, the federal government, or from any other
 16 source.

17 (17) To defend a member of the governing body or any employee
 18 of the school corporation in any suit arising out of the
 19 performance of the member's or employee's duties for or
 20 employment with, the school corporation, if the governing body
 21 by resolution determined that the action was taken in good faith.
 22 To save any member or employee harmless from any liability,
 23 cost, or damage in connection with the performance, including the
 24 payment of legal fees, except where the liability, cost, or damage
 25 is predicated on or arises out of the bad faith of the member or
 26 employee, or is a claim or judgment based on the member's or
 27 employee's malfeasance in office or employment.

28 (18) To prepare, make, enforce, amend, or repeal rules,
 29 regulations, and procedures:

30 (A) for the government and management of the schools,
 31 property, facilities, and activities of the school corporation, the
 32 school corporation's agents, employees, and pupils and for the
 33 operation of the governing body; and

34 (B) that may be designated by an appropriate title such as
 35 "policy handbook", "bylaws", or "rules and regulations".

36 (19) To ratify and approve any action taken by a member of the
 37 governing body, an officer of the governing body, or an employee
 38 of the school corporation after the action is taken, if the action
 39 could have been approved in advance, and in connection with the
 40 action to pay the expense or compensation permitted under
 41 IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and
 42 IC 20-48-1 or any other law.



- 1 (20) To exercise any other power and make any expenditure in
- 2 carrying out the governing body's general powers and purposes
- 3 provided in this chapter or in carrying out the powers delineated
- 4 in this section which is reasonable from a business or educational
- 5 standpoint in carrying out school purposes of the school
- 6 corporation, including the acquisition of property or the
- 7 employment or contracting for services, even though the power or
- 8 expenditure is not specifically set out in this chapter. The specific
- 9 powers set out in this section do not limit the general grant of
- 10 powers provided in this chapter except where a limitation is set
- 11 out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12,
- 12 IC 20-40-18 (after December 31, 2018), and IC 20-48-1 by
- 13 specific language or by reference to other law.
- 14 (b) A superintendent hired under subsection (a)(8):
- 15 (1) is not required to hold a teacher's license under IC 20-28-5;
- 16 and
- 17 (2) is required to:
- 18 (A) have obtained at least a master's degree from an accredited
- 19 postsecondary educational institution; **or**
- 20 (B) **hold a bachelor's degree in business administration.**
- 21 SECTION 47. IC 33-33-53-5, AS AMENDED BY P.L.179-2011,
- 22 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 UPON PASSAGE]: Sec. 5. In accordance with rules adopted by the
- 24 judges of the court under section 6 of this chapter, the presiding judge
- 25 shall do the following:
- 26 (1) Ensure that the court operates efficiently and judicially under
- 27 rules adopted by the court.
- 28 (2) Annually submit to the fiscal body of Monroe County a budget
- 29 for the court, including amounts necessary for:
- 30 (A) the operation of the circuit's probation department;
- 31 (B) the defense of indigents; and
- 32 (C) maintaining an adequate law library.
- 33 (3) Make the appointments or selections required of a circuit or
- 34 superior court judge under the following statutes:
- 35 IC 8-4-21-2
- 36 IC 11-12-2-2
- 37 IC 16-22-2-4
- 38 IC 16-22-2-11
- 39 IC 16-22-7
- 40 IC 20-23-4
- 41 IC 20-23-7-6
- 42 ~~IC 20-23-7-8.1~~



1 IC 20-26-7-8
2 IC 20-26-7-14
3 IC 20-47-2-15
4 IC 20-47-3-13
5 IC 36-9
6 IC 36-10
7 IC 36-12-10-10.
8 (4) Make appointments or selections required of a circuit or
9 superior court judge by any other statute, if the appointment or
10 selection is not required of the court because of an action before
11 the court.
12 SECTION 48. [EFFECTIVE JULY 1, 2022] **(a) The state board of**
13 **education shall adopt rules under IC 4-22-2 to implement**
14 **IC 20-26-5-4, as amended by this act.**
15 **(b) This section expires July 1, 2027.**
16 SECTION 49. **An emergency is declared for this act.**

