

SENATE BILL No. 188

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 20-23; IC 20-25-3-4; IC 20-26-4; IC 33-33-53-5.

Synopsis: School corporation governing bodies. Provides that for school board offices, each candidate's affiliation with a political party or status as an independent candidate must be stated on the ballot. Standardizes language relating to what events cause a vacancy on the governing body of a school corporation and the method by which a vacancy is filled. Repeals superseded statutes.

Effective: July 1, 2023.

Sandlin

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



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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

SENATE BILL No. 188

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 3-8-2.5-2.5, AS AMENDED BY P.L.169-2015,
- 2 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2023]: Sec. 2.5. (a) A petition of nomination for a school
- 4 board office must state all of the following:
- 5 (1) The name of each candidate as:
- 6 (A) the candidate wants the candidate's name to appear on the
- 7 ballot; and
- 8 (B) the candidate's name is permitted to appear on the ballot
- 9 under IC 3-5-7.
- 10 (2) The address of each candidate, including the mailing address,
- 11 if different from the residence address of the candidate.
- 12 (3) The school board office that each candidate seeks.
- 13 (4) That each petitioner is a qualified registered voter and desires
- 14 to be able to vote for the candidates listed on the petition.
- 15 **(5) The candidate's political party affiliation or, if the**
- 16 **candidate does not identify with a political party, that the**
- 17 **candidate is an independent candidate. Unless the candidate's**



1 **political party affiliation is challenged under section 7 of this**
 2 **chapter, the candidate's political party affiliation stated on**
 3 **the petition shall be indicated on the ballot in the manner**
 4 **determined by the county election board.**

5 (b) The petition of nomination must be accompanied by the
 6 following:

7 (1) The candidate's written consent to become a candidate.

8 (2) A statement that the candidate:

9 (A) is aware of the provisions of IC 3-9 regarding campaign
 10 finance and the reporting of campaign contributions and
 11 expenditures; and

12 (B) agrees to comply with the provisions of IC 3-9 referred to
 13 in clause (A).

14 (3) A statement by the candidate that the candidate is aware of the
 15 requirement to file a campaign finance statement of organization
 16 under IC 3-9 after the first of either of the following occurs:

17 (A) The candidate receives more than five hundred dollars
 18 (\$500) in contributions.

19 (B) The candidate makes more than five hundred dollars
 20 (\$500) in expenditures.

21 (4) A statement indicating whether or not each candidate:

22 (A) has been a candidate for state, legislative, local, or school
 23 board office in a previous primary, municipal, special, or
 24 general election; and

25 (B) has filed all reports required by IC 3-9-5-10 for all
 26 previous candidacies.

27 (5) A statement that each candidate is legally qualified to hold the
 28 office that the candidate seeks, including any applicable residency
 29 requirements and restrictions on service due to a criminal
 30 conviction.

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

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

34 **(c) If a candidate claims affiliation with a major political party**
 35 **under subsection (a)(5), the candidate must have voted in the two**
 36 **(2) most recent primary elections in Indiana held by the party with**
 37 **which the candidate claims affiliation. The petition must provide**
 38 **a place for the candidate to affirm the candidate's primary election**
 39 **participation if the candidate claims affiliation with a major**
 40 **political party. If the candidate did not vote in the two (2) most**
 41 **recent primary elections in Indiana held by the party with which**
 42 **the candidate claims affiliation, the county chairman of:**



1 **(1) the political party with which the candidate claims**
 2 **affiliation; and**
 3 **(2) the county in which the candidate resides;**
 4 **must certify in writing that the candidate is a member of the**
 5 **political party for the candidate's claimed affiliation to be valid.**
 6 **The petition of nomination must inform candidates how political**
 7 **party affiliation is determined under this subsection.**

8 SECTION 2. IC 3-8-2.5-7, AS ADDED BY P.L.194-2013,
 9 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2023]: Sec. 7. (a) A person may not be selected as a candidate
 11 by petition of nomination without giving written consent and having it
 12 filed with the public official with whom certificates and petitions of
 13 nomination are required to be filed.

14 (b) Each candidate nominated by petition of nomination for a school
 15 board office must satisfy all statutory eligibility requirements for the
 16 office for which the candidate is nominated, including the filing of
 17 statements of economic interest.

18 (c) A statement questioning the validity of a petition of nomination
 19 or contesting the denial of certification under section 6 of this chapter
 20 must be filed with the county election board in accordance with
 21 IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of
 22 the general election. A question regarding the validity of a petition of
 23 nomination or the denial of certification shall be referred to and
 24 determined by the county election board not later than noon fifty-four
 25 (54) days before the date of the general election.

26 (d) A statement concerning the validity of a declaration of intent to
 27 be a write-in candidate for a school board office under section 4 of this
 28 chapter must be filed with the county election board in accordance with
 29 IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of
 30 the general election. A question regarding the validity of a declaration
 31 of intent to be a write-in candidate for a school board office shall be
 32 referred to and determined by the county election board not later than
 33 noon fifty-four (54) days before the date of the general election.

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

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

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

42 **(A) the political party with which the candidate claims**



1 **affiliation; and**
 2 **(B) the county in which the candidate resides;**
 3 **did not certify that the candidate is a member of the political**
 4 **party with which the candidate claims affiliation. If the**
 5 **candidate produces a copy of the certification of the county**
 6 **chairman of the political party with which the candidate**
 7 **claims affiliation at the time the candidate filed the petition,**
 8 **the claim of a challenger under this subdivision is conclusively**
 9 **rebutted.**

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

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

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

- 22 (1) With the individual's:
- 23 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
 - 24 (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6 for an
 - 25 office described in IC 3-8-2-5 in a county with a separate
 - 26 board of registration under IC 3-7-12 after certification by the
 - 27 board of registration;
 - 28 (C) petition of nomination under IC 3-8-2.5 or IC 3-8-6 for an
 - 29 office described in IC 3-8-2-5 in a county that does not have a
 - 30 separate board of registration under IC 3-7-12;
 - 31 (D) petition of nomination under IC 3-8-6 for an office
 - 32 described in IC 3-8-2-5 after certification by the county voter
 - 33 registration office;
 - 34 (E) certificate of nomination under IC 3-10-2-15 or
 - 35 IC 3-10-6-12;
 - 36 (F) statement consenting to be a replacement candidate under
 - 37 IC 3-8-6-17;
 - 38 (G) declaration of intent to be a write-in candidate under
 - 39 IC 3-8-2-2.5; or
 - 40 (H) certificate of candidate selection under IC 3-13-1 or
 - 41 IC 3-13-2.

42 (2) When the individual assumes a vacant elected office under



1 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, IC 3-13-11, or
 2 ~~IC 20-23-4-30~~. **IC 20-26-4-4.7.** A statement filed under this
 3 subdivision must be filed not later than noon sixty (60) days after
 4 the individual assumes the elected office.

5 SECTION 4. IC 20-23-4-30, AS AMENDED BY P.L.193-2021,
 6 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2023]: Sec. 30. (a) This section applies to each
 8 school corporation.

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

11 (c) ~~If after the first governing body takes office, fewer candidates~~
 12 ~~have been elected to the school board than there were members to be~~
 13 ~~elected, the governing body shall determine not later than noon~~
 14 ~~December 31 following the election which incumbent member or~~
 15 ~~members continue to hold office under Article 15; Section 3 of the~~
 16 ~~Constitution of the State of Indiana until a successor is elected and~~
 17 ~~qualified. However, if there is a vacancy on the governing body,~~
 18 ~~whether the vacating member was elected or appointed, the remaining~~
 19 ~~members of the governing body, whether or not a majority of the~~
 20 ~~governing body, shall by a majority vote fill the vacancy by appointing~~
 21 ~~a person from within the boundaries of the community school~~
 22 ~~corporation to serve for the term or balance of the term. An individual~~
 23 ~~appointed under this subsection must possess the qualifications~~
 24 ~~provided for a regularly elected or appointed governing body member~~
 25 ~~filling the office. If:~~

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

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

30 the judge of the circuit court in the county where the majority of
 31 registered voters of the school corporation reside shall make the
 32 appointment.

33 (d) A vacancy in the governing body occurs if a member ceases to
 34 be a resident of any community school corporation. A vacancy does not
 35 occur when the member moves from a district of the school corporation
 36 from which the member was elected or appointed if the member
 37 continues to be a resident of the school corporation.

38 (e) (c) At the first general election in which members of the
 39 governing body are elected:

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



- 1 (2) the balance of the candidates elected as members of the
 2 governing body receiving the next greatest number of votes shall
 3 be elected for two (2) year terms.
 4 Thereafter, all school board members shall be elected for four (4) year
 5 terms.
 6 ~~(f)~~ (d) Elected governing body members take office and assume
 7 their duties on the date set in the school corporation's organization plan.
 8 The date set in the organization plan for an elected member of the
 9 governing body to take office may not be more than fourteen (14)
 10 months after the date of the member's election. If the school
 11 corporation's organization plan does not set a date for an elected
 12 member of the governing body to take office, the member takes office
 13 January 1 immediately after the member's election.
 14 **(e) A vacancy in the governing body of a school corporation**
 15 **occurs, and shall be filled, as provided in IC 20-26-4-4.7.**
 16 SECTION 5. IC 20-23-4-35, AS AMENDED BY P.L.169-2022,
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2023]: Sec. 35. (a) The governing body of a school
 19 corporation may be organized under this section.
 20 (b) The governing body consists of seven (7) members, elected as
 21 follows:
 22 (1) Four (4) members elected from districts, with one (1) member
 23 serving from each election district. A member elected under this
 24 subdivision must be:
 25 (A) a resident of the election district from which the member
 26 is elected; and
 27 (B) voted upon by only the registered voters residing within
 28 the election district and voting at a governing body election.
 29 (2) Three (3) members, who are voted upon by all the registered
 30 voters residing within the school corporation and voting at a
 31 governing body election, elected under this subdivision. The
 32 governing body shall establish three (3) residential districts as
 33 follows:
 34 (A) One (1) residential district must be the township that has
 35 the greatest population within the school corporation.
 36 (B) Two (2) residential districts must divide the remaining
 37 area within the school corporation.
 38 Only one (1) member who resides within a particular residential
 39 district established under this subdivision may serve on the
 40 governing body at a time.
 41 ~~(c) A member of the governing body who is:~~
 42 ~~(1) elected from an election or a residential district; or~~



- 1 (2) appointed to fill a vacancy from an election or a residential
2 district;
3 must reside within the boundaries of the district the member represents.
4 (d) A vacancy on the governing body shall be filled by the
5 governing body as soon as practicable after the vacancy occurs. A
6 member chosen by the governing body to fill a vacancy holds office for
7 the remainder of the unexpired term.
8 (c) A vacancy in the governing body of a school corporation
9 occurs, and shall be filled, as provided in IC 20-26-4-4.7.
10 (e) (d) The members of the governing body serving at the time a
11 plan is amended under this section shall establish the election and
12 residential districts described in subsection (b).
13 (f) (e) The election districts described in subsection (b)(1):
14 (1) shall be drawn on the basis of precinct lines;
15 (2) may not cross precinct lines; and
16 (3) as nearly as practicable, be of equal population, with the
17 population of the largest exceeding the population of the smallest
18 by not more than fifteen percent (15%).
19 (g) (f) The residential districts described in subsection (b)(2) may:
20 (1) be drawn in any manner considered appropriate by the
21 governing body; and
22 (2) be drawn along township lines.
23 (h) (g) The governing body shall certify the districts that are
24 established under subsections (e) and (f), and (g); amended under
25 subsection (e); (d), or recertified under section 35.5 of this chapter to:
26 (1) the state board; and
27 (2) the circuit court clerk of each county in which the school
28 corporation is located as provided in section 35.5 of this chapter.
29 (i) (h) The governing body shall designate:
30 (1) three (3) of the districts established under this section to be
31 elected at the first school board election that occurs after the
32 effective date of the plan; and
33 (2) the remaining four (4) districts to be elected at the second
34 school board election that occurs after the effective date of the
35 plan.
36 (j) (i) The limitations set forth in this section are part of the plan, but
37 do not have to be specifically set forth in the plan. The plan must be
38 construed, if possible, to comply with this chapter. If a provision of the
39 plan or an application of the plan violates this chapter, the invalidity
40 does not affect the other provisions or applications of the plan that can
41 be given effect without the invalid provision or application. The
42 provisions of the plan are severable.



1 ~~(k)~~ **(j)** IC 3-5-10 applies to a plan established under this section.

2 SECTION 6. IC 20-23-4-35.5, AS ADDED BY P.L.271-2013,
3 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2023]: Sec. 35.5. (a) Not later than December 31, 2013, the
5 governing body shall do the following:

6 (1) Send a copy of the school corporation's plan to the circuit
7 court clerk of each county in which the school corporation is
8 located.

9 (2) If any members of the governing body are elected from
10 election districts voted upon by only the registered voters residing
11 within the election district, certify that the election districts
12 comply with section ~~35(f)~~ **35(e)** and ~~35(g)~~ **35(f)** of this chapter.

13 (b) This subsection applies during the first year after a year in which
14 a federal decennial census is conducted. The governing body shall
15 amend the plan under section ~~35(e)~~ **35(d)** of this chapter if an
16 amendment is necessary to reestablish the districts in compliance with
17 section ~~35(f)~~ **35(e)** and ~~35(g)~~ **35(f)** of this chapter. If the governing
18 body determines that a plan amendment under section ~~35(e)~~ **35(d)** of
19 this chapter is not required, the governing body shall recertify that the
20 districts as established comply with section ~~35(f)~~ **35(e)** and ~~35(g)~~ **35(f)**
21 of this chapter.

22 (c) Each time the school corporation's plan is amended, the
23 governing body shall file the following with the circuit court clerk of
24 each county in which the school corporation is located:

25 (1) A copy of the amendment.

26 (2) Either of the following:

27 (A) A certification that the plan amendment does not require
28 reestablishment of the school corporation's election districts to
29 comply with section ~~35(f)~~ **35(e)** and ~~35(g)~~ **35(f)** of this
30 chapter.

31 (B) If the plan amendment requires reestablishment of the
32 school corporation's election districts to comply with section
33 ~~35(f)~~ **35(e)** and ~~35(g)~~ **35(f)** of this chapter, a map of the new
34 district boundaries.

35 (d) A plan amendment or recertification under this section must be
36 filed not later than thirty (30) days after the amendment or
37 recertification occurs.

38 SECTION 7. IC 20-23-4-44, AS AMENDED BY P.L.104-2022,
39 SECTION 120, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2023]: Sec. 44. (a) This section applies only to
41 a school corporation with territory in a county having a population of
42 more than one hundred eighty-five thousand (185,000) and less than



- 1 two hundred thousand (200,000).
- 2 (b) This section applies if there is a
- 3 ~~(1)~~ tie vote in an election for a member of the governing body of
- 4 a school corporation. ~~or~~
- 5 ~~(2) vacancy on the governing body of a school corporation.~~
- 6 (c) Notwithstanding any other law, if a tie vote occurs among any of
- 7 the candidates for the governing body, ~~or a vacancy occurs on the~~
- 8 ~~governing body~~, the remaining members of the governing body, even
- 9 if the remaining members do not constitute a majority of the governing
- 10 body, shall by a majority vote of the remaining members
- 11 ~~(1)~~ select one (1) of the candidates who shall be declared and
- 12 certified elected. ~~or~~
- 13 ~~(2) fill the vacancy by appointing an individual to fill the vacancy.~~
- 14 ~~(d) An individual appointed to fill a vacancy under subsection~~
- 15 ~~(c)(2):~~
- 16 ~~(1) must satisfy all the qualifications required of a member of the~~
- 17 ~~governing body; and~~
- 18 ~~(2) shall fill the remainder of the unexpired term of the vacating~~
- 19 ~~member.~~
- 20 ~~(e) (d)~~ If a tie vote occurs among the remaining members of the
- 21 governing body or the governing body fails to act within thirty (30)
- 22 days after the election, ~~or the vacancy occurs~~, the fiscal body (as
- 23 defined in IC 3-5-2-25) of the township in which the greatest
- 24 percentage of population of the school district resides shall break the
- 25 tie. ~~or make the appointment.~~ A member of the fiscal body who was a
- 26 candidate and is involved in a tie vote may not cast a vote under this
- 27 subsection.
- 28 ~~(f) (e)~~ If the fiscal body of a township is required to act under this
- 29 section and a vote in the fiscal body results in a tie, the deciding vote
- 30 to break the tie vote shall be cast by the executive.
- 31 **(f) A vacancy in the governing body of a school corporation**
- 32 **occurs, and shall be filled, as provided in IC 20-26-4-4.7.**
- 33 SECTION 8. IC 20-23-6-8, AS AMENDED BY P.L.140-2018,
- 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2023]: Sec. 8. (a) Consolidated schools are under the control
- 36 and management of the consolidated governing body created under this
- 37 chapter, and a new consolidated school corporation comes into
- 38 existence:
- 39 (1) at the time specified in the resolutions provided in section 3,
- 40 4, 5.5, or 12.5 of this chapter; or
- 41 (2) if a time is not specified, at the following times:
- 42 (A) If a protest has not been filed and the creation is



1 accomplished by the adoption of a joint resolution following
 2 publication of notice as provided in section 3 or 5.5 of this
 3 chapter, thirty (30) days after the adoption of the joint
 4 resolution.

5 (B) If the creation is accomplished after an election was
 6 provided in section 6 of this chapter, thirty (30) days after the
 7 election.

8 (b) The members of the governing body shall:

9 (1) take an oath to faithfully discharge the duties of office; and

10 (2) meet at least five (5) days before the time the new
 11 consolidated school corporation comes into existence to organize.

12 (c) The governing body shall meet to reorganize at the time
 13 provided in IC 20-26-4-1(b). At the organization or reorganization
 14 meeting, the members of the governing body shall elect the following:

15 (1) A president.

16 (2) A secretary.

17 (3) A treasurer.

18 (d) The treasurer, before starting the duties of the treasurer's office,
 19 shall execute a bond to the acceptance of the county auditor. The fee
 20 for the bond shall be paid from the operations fund of the consolidated
 21 school corporation. ~~Any vacancy occurring in the membership in any~~
 22 ~~governing body shall be filled in the manner provided in IC 20-26-4-4.~~
 23 **A vacancy in the governing body of a school corporation occurs,**
 24 **and shall be filled, as provided in IC 20-26-4-4.7.**

25 (e) The members of the governing body shall receive compensation
 26 in the manner provided in IC 20-26-4-7.

27 (f) The governing body of a consolidated school corporation may
 28 elect and appoint personnel it considers necessary.

29 SECTION 9. IC 20-23-7-8.1, AS AMENDED BY P.L.219-2013,
 30 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2023]: Sec. 8.1. (a) The registered voters of the metropolitan
 32 school district shall elect the members of the metropolitan board of
 33 education at general elections held biennially, beginning with the next
 34 general election that is held more than sixty (60) days after the creation
 35 of the metropolitan school district as provided in this chapter.

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

41 (c) Nominees for the board shall be listed on the general election
 42 ballot:



1 (1) in the form prescribed by IC 3-11-2;
 2 (2) by board member districts; and
 3 (3) without party designation.
 4 The ballot must state the number of board members to be voted on and
 5 the maximum number of members that may be elected from each board
 6 member district as provided under section 5 of this chapter. A ballot
 7 that contains more votes than the maximum number allowed from a
 8 board member district is invalid.
 9 (d) The precinct election boards in each county serving at the
 10 general election shall conduct the election for school board members.
 11 (e) Voting and tabulation of votes shall be conducted in accordance
 12 with IC 3, and the candidates who receive the most votes are elected to
 13 the board.
 14 (f) If there are more candidates from a particular board member
 15 district than may be elected from the board member district under
 16 section 5 of this chapter:
 17 (1) the number of candidates elected is the greatest number that
 18 may be elected from the board member district;
 19 (2) the candidates elected are those who, among the candidates
 20 from the board member district, receive the most votes; and
 21 (3) the other candidates from the board member district are
 22 eliminated.
 23 (g) If there is a tie vote among the candidates for the board, the
 24 judge of the circuit court in the county where the majority of the
 25 registered voters of the metropolitan school district reside shall select
 26 one (1) of the candidates who shall be declared and certified elected.
 27 ~~(h) If, at any time after the first board member election, a vacancy~~
 28 ~~on the board occurs for any reason, including an insufficient number of~~
 29 ~~petitions for candidates being filed; and regardless of whether the~~
 30 ~~vacating member was elected or appointed, the remaining members of~~
 31 ~~the board, whether or not a majority of the board, shall by a majority~~
 32 ~~vote fill the vacancy by:~~
 33 ~~(1) appointing a person from the board member district from~~
 34 ~~which the person who vacated the board was elected; or~~
 35 ~~(2) if the person was appointed, appointing a person from the~~
 36 ~~board member district from which the last elected predecessor of~~
 37 ~~the person was elected.~~
 38 If a majority of the remaining members of the board is unable to agree
 39 or the board fails to act within thirty (30) days after a vacancy occurs;
 40 the judge of the circuit court in the county where the majority of
 41 registered voters of the metropolitan school district reside shall make
 42 the appointment.



1 (f) At a general election held on the earlier of:

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

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

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

17 (g) (h) At the first general election where members of the board are
18 elected under this section, the elected candidates who constitute a
19 simple majority of the elected candidates and who receive the most
20 votes shall be elected for four (4) year terms, and the other elected
21 candidates shall be elected for two (2) year terms.

22 (k) (i) Board members shall be elected for four (4) year terms after
23 the first election and shall take office on the date set in the school
24 corporation's organization plan. The date set in the organization plan
25 for an elected member of the governing body to take office may not be
26 more than fourteen (14) months after the date of the member's election.
27 If the school corporation's organization plan does not set a date for an
28 elected member of the governing body to take office, the member takes
29 office January 1 immediately following the member's election.

30 (j) **A vacancy in the governing body of a school corporation**
31 **occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

32 SECTION 10. IC 20-23-10-8, AS AMENDED BY P.L.233-2015,
33 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2023]: Sec. 8. (a) The board members of a merged school
35 corporation shall be elected at the first general election following the
36 merged school corporation's creation. ~~and vacancies shall be filled in~~
37 ~~accordance with IC 20-23-4-30.~~

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

41 (c) The first board of trustees shall select the name of the merged
42 school corporation by a majority vote. The name may be changed by



1 unanimous vote of the governing body of the merged school
2 corporation.

3 **(d) A vacancy in the governing body of a merged school**
4 **corporation occurs, and shall be filled, as provided in**
5 **IC 20-26-4-4.7.**

6 SECTION 11. IC 20-23-12-3, AS AMENDED BY
7 P.L.213-2018(ss), SECTION 16, IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The emergency
9 manager appointed by the distressed unit appeal board under
10 IC 6-1.1-20.3 shall act as the governing body of the school corporation
11 and has the powers set forth in IC 6-1.1-20.3-8.5, including the powers
12 and duties of the governing body of the school corporation. The school
13 corporation shall also have an advisory board that consists of seven (7)
14 members elected as follows:

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

16 ~~(2) under IC 3~~ in a general election in the county. The advisory
17 board is created to provide nonbinding recommendations to the
18 emergency manager.

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

21 (1) is elected from the school district in which the member
22 resides; and

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

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

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

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

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

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

32 (e) The advisory board may hold a public meeting subject to the
33 limits on the number of meetings set forth in IC 6-1.1-20.3-6.8(d). The
34 advisory board is subject to IC 5-14-1.5 (the open door law) for these
35 meetings. The advisory board may hold additional meetings that are
36 authorized as executive sessions under IC 5-14-1.5 (the open door law)
37 as provided in IC 5-14-1.5-6.1. The advisory board is subject to the
38 public notice requirements of IC 5-14-1.5 (the open door law) for these
39 additional meetings. The records of the advisory board are subject to
40 IC 5-14-3 (access to public records).

41 SECTION 12. IC 20-23-12-10 IS REPEALED [EFFECTIVE JULY
42 1, 2023]. Sec. 10: (a) A vacancy on the advisory board is created when:



1 (1) a member:

2 (A) dies;

3 (B) resigns from the advisory board;

4 (C) ceases to be a resident of the school corporation;

5 (D) fails to attend, except for reason of chronic illness, six (6)

6 regularly scheduled meetings of the advisory board in any

7 twelve (12) month period; or

8 (E) ceases to be a resident of the school district in which the

9 member was elected; or

10 (2) a vacancy is created under any other law.

11 (b) The advisory board shall temporarily fill a vacancy on the

12 advisory board as soon as practicable after the vacancy occurs.

13 SECTION 13. IC 20-23-12-10.1 IS ADDED TO THE INDIANA

14 CODE AS A NEW SECTION TO READ AS FOLLOWS

15 [EFFECTIVE JULY 1, 2023]: **Sec. 10.1. A vacancy on the advisory**

16 **board occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

17 SECTION 14. IC 20-23-14-3, AS AMENDED BY P.L.271-2013,

18 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

19 JULY 1, 2023]: Sec. 3. (a) The governing body of the school

20 corporation consists of five (5) members elected ~~on a nonpartisan basis.~~

21 **as provided in IC 3.**

22 (b) Three (3) of the members are elected from the school districts

23 referred to in section 4.5 of this chapter by eligible voters residing in

24 the school districts. Each member:

25 (1) is elected from the school district in which the member

26 resides; and

27 (2) upon election and in conducting the business of the governing

28 body, represents the interests of the entire school corporation.

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

30 (1) are elected by eligible voters residing in the school

31 corporation;

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

33 (3) upon election and in conducting the business of the governing

34 body, represent the interests of the entire school corporation.

35 SECTION 15. IC 20-23-14-10 IS REPEALED [EFFECTIVE JULY

36 1, 2023]. ~~Sec. 10: The governing body shall temporarily fill a vacancy~~

37 ~~on the governing body as soon as practicable after the vacancy occurs.~~

38 ~~The member chosen must reside in the same district as the vacating~~

39 ~~member. A member chosen by the governing body to fill a vacancy~~

40 ~~holds office for the remainder of the unexpired term.~~

41 SECTION 16. IC 20-23-14-10.1 IS ADDED TO THE INDIANA

42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2023]: **Sec. 10.1. A vacancy in the governing**
 2 **body occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

3 SECTION 17. IC 20-23-15-6, AS ADDED BY P.L.1-2005,
 4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2023]: Sec. 6. (a) The governing body of the school
 6 corporation consists of seven (7) members who shall be elected

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

8 ~~(2) under IC 3~~ in the general election held in the county.

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

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

13 SECTION 18. IC 20-23-15-12 IS REPEALED [EFFECTIVE JULY
 14 1, 2023]. ~~Sec. 12: (a) A vacancy on the governing body must be filled~~
 15 ~~temporarily by the governing body as soon as practicable after the~~
 16 ~~vacancy occurs.~~

17 ~~(b) A member chosen by the governing body to fill a vacancy holds~~
 18 ~~office for the remainder of the unexpired term and shall be chosen from~~
 19 ~~the same district as the vacating member if the vacating member held~~
 20 ~~a district position.~~

21 SECTION 19. IC 20-23-15-12.1 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2023]: **Sec. 12.1. A vacancy in the governing**
 24 **body occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

25 SECTION 20. IC 20-23-17-3, AS AMENDED BY P.L.219-2013,
 26 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2023]: Sec. 3. (a) The governing body of the school
 28 corporation consists of five (5) members chosen as follows:

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

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

33 (3) One (1) member shall be appointed by the city legislative
 34 body.

35 (b) The members elected under subsection (a)(1) shall be elected as
 36 follows:

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

38 ~~(2) under IC 3~~ in a general election held in the county

39 ~~(3) by the registered voters of the entire school corporation.~~

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

42 (1) Each candidate must file a petition of nomination with the



1 circuit court clerk not earlier than one hundred four (104) days
 2 and not later than seventy-four (74) days before the election at
 3 which members are to be elected. The petition of nomination must
 4 include the following information:

5 (A) The name of the candidate.

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

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

10 SECTION 21. IC 20-23-17-6 IS REPEALED [EFFECTIVE JULY
 11 1, 2023]. ~~Sec. 6: (a) A vacancy in the office of an elected member of the governing body shall be filled temporarily by the city legislative body as soon as practicable after the vacancy occurs.~~

14 ~~(b) A vacancy in the office of an appointed member of the governing body of the school corporation shall be filled by the appointing authority that appointed the member whose office is vacant.~~

17 ~~(c) An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.~~

20 SECTION 22. IC 20-23-17-6.1 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2023]: **Sec. 6.1. A vacancy in the governing**
 23 **body occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

24 SECTION 23. IC 20-23-17.2-3.1, AS AMENDED BY
 25 P.L.193-2021, SECTION 106, IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.1. (a) The governing
 27 body of the school corporation consists of five (5) members, elected as
 28 provided in this chapter.

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

30 (1) From districts established as provided in section 4.1 of this
 31 chapter.

32 ~~(2) On a nonpartisan basis.~~

33 ~~(3) (2) Under IC 3~~ at the general election held in the county in
 34 2022 and every four (4) years thereafter.

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

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

37 ~~(2) On a nonpartisan basis.~~

38 ~~(3) (2) Under IC 3~~ at the general election held in the county in
 39 2024 and every four (4) years thereafter.

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

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

42 (2) begins January 1 after the election of members of the



1 governing body.

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

5 SECTION 24. IC 20-23-17.2-10 IS REPEALED [EFFECTIVE
6 JULY 1, 2023]. ~~Sec. 10: A vacancy in the office of a member of the~~
7 ~~governing body of the school corporation shall be filled temporarily by~~
8 ~~the governing body as soon as practicable after the vacancy occurs. An~~
9 ~~individual filling a vacancy under this section serves until the~~
10 ~~expiration of the term of the member whose position the individual~~
11 ~~fills.~~

12 SECTION 25. IC 20-23-17.2-10.1 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2023]: **Sec. 10.1. A vacancy in the governing**
15 **body occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

16 SECTION 26. IC 20-25-3-4, AS AMENDED BY P.L.169-2022,
17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2023]: Sec. 4. (a) The board consists of seven (7) members.
19 A member:

- 20 (1) must be elected ~~on a nonpartisan basis under IC 3~~ in general
21 elections held in the county as specified in this section; and
22 (2) serves a four (4) year term.

23 (b) Five (5) members shall be elected from the school board districts
24 in which the members reside, and two (2) members must be elected at
25 large.

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

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

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

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



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

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

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

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

11 **(h) A vacancy in the governing body occurs, and shall be filled,**
 12 **as provided in IC 20-26-4-4.7.**

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

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

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

30 SECTION 27. IC 20-26-4-4, AS AMENDED BY P.L.193-2021,
 31 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2023]: Sec. 4. **(a)** If fewer candidates have been
 33 elected to the school board than there were members to be elected, the
 34 governing body shall determine not later than noon December 31
 35 following the election which incumbent member or members continue
 36 to hold office under Article 15, Section 3 of the Constitution of the
 37 State of Indiana until a successor is elected and qualified. ~~However,~~
 38 ~~if a vacancy in the membership of a governing body occurs, whether the~~
 39 ~~vacancy was of an elected or appointed member, the remaining~~
 40 ~~members of the governing body shall by majority vote fill the vacancy~~
 41 ~~by appointing a person from within the boundaries of the school~~
 42 ~~corporation, with the residence and other qualifications provided for a~~



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

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

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

10 (b) A vacancy in the governing body occurs, and shall be filled,
 11 as provided in section 4.7 of this chapter.

12 SECTION 28. IC 20-26-4-4.5 IS REPEALED [EFFECTIVE JULY
 13 1, 2023]. Sec. 4.5: (a) The definitions in IC 3-5-2 apply to this section.

14 (b) If a vacancy in a school board office exists because of the death
 15 of a school board member, the remaining members of the governing
 16 body shall meet and select an individual to fill the vacancy after the
 17 secretary of the governing body receives notice of the death under
 18 IC 5-8-6 and in accordance with section 4 of this chapter.

19 SECTION 29. IC 20-26-4-4.7 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2023]: Sec. 4.7. (a) This section does not
 22 apply to a vacancy:

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

25 (2) in an appointed board membership if a plan, resolution, or
 26 law under which the school corporation operates specifically
 27 provides for filling of these vacancies by the appointing
 28 authority.

29 (b) A vacancy in the governing body is created when any of the
 30 following occurs:

31 (1) A member dies.

32 (2) A member resigns from the governing body.

33 (3) A member ceases to be a resident of the school
 34 corporation.

35 (4) A member fails to attend, except for reason of chronic
 36 illness:

37 (A) three (3) consecutive regularly scheduled meetings of
 38 the governing body; or

39 (B) six (6) regularly scheduled meetings of the governing
 40 body in any twelve (12) month period.

41 (5) A member ceases to be a resident of the election district
 42 from which the member was elected.



- 1 **(6) A vacancy is created under any other law.**
- 2 **(c) The remaining members of the governing body shall meet**
- 3 **and select an individual to fill the vacancy in accordance with**
- 4 **section 4 of this chapter and after the secretary of the governing**
- 5 **body:**
 - 6 **(1) receives notice of the death under IC 5-8-6, if a member**
 - 7 **dies; or**
 - 8 **(2) otherwise receives notice of the vacancy if the vacancy is**
 - 9 **the result of a cause other than death.**
- 10 **(d) An individual selected to fill a vacancy must possess the**
- 11 **qualifications provided for a regularly elected or appointed**
- 12 **governing body member filling the office.**
- 13 **(e) An individual selected to fill a vacancy serves the remainder**
- 14 **of the term of the governing body member whom the individual**
- 15 **replaces.**
- 16 SECTION 30. IC 33-33-53-5, AS AMENDED BY P.L.179-2011,
- 17 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2023]: Sec. 5. In accordance with rules adopted by the judges
- 19 of the court under section 6 of this chapter, the presiding judge shall do
- 20 the following:
 - 21 (1) Ensure that the court operates efficiently and judicially under
 - 22 rules adopted by the court.
 - 23 (2) Annually submit to the fiscal body of Monroe County a budget
 - 24 for the court, including amounts necessary for:
 - 25 (A) the operation of the circuit's probation department;
 - 26 (B) the defense of indigents; and
 - 27 (C) maintaining an adequate law library.
 - 28 (3) Make the appointments or selections required of a circuit or
 - 29 superior court judge under the following statutes:
 - 30 IC 8-4-21-2
 - 31 IC 11-12-2-2
 - 32 IC 16-22-2-4
 - 33 IC 16-22-2-11
 - 34 IC 16-22-7
 - 35 IC 20-23-4
 - 36 IC 20-23-7-6
 - 37 ~~IC 20-23-7-8.1~~
 - 38 IC 20-26-7-8
 - 39 IC 20-26-7-14
 - 40 IC 20-47-2-15
 - 41 IC 20-47-3-13
 - 42 IC 36-9



1 IC 36-10
2 IC 36-12-10-10.
3 (4) Make appointments or selections required of a circuit or
4 superior court judge by any other statute, if the appointment or
5 selection is not required of the court because of an action before
6 the court.

