



February 9, 2023

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## HOUSE BILL No. 1428

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DIGEST OF HB 1428 (Updated February 8, 2023 3:53 pm - DI 144)

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

**Synopsis:** School board elections. Provides that a candidate for a school board office may not be an employee or agent of that school corporation. Provides that a school board may adopt a resolution to provide that instead of being nominated and elected on a nonpartisan basis, the members of the school board can be: (1) nominated and elected on a partisan basis as all other candidates are nominated and elected; or (2) nominated as school board candidates are currently nominated but elected with the candidate's partisan affiliation, if any, stated on the general election ballot. Provides that the voters of a school corporation can make the same changes to the election of the school board members as a school board adopted resolution through a petition and referendum process. Makes conforming changes.

**Effective:** January 1, 2024.

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### Prescott, Davis, Lucas, Morrison

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January 17, 2023, read first time and referred to Committee on Elections and Apportionment.  
February 9, 2023, amended, reported — Do Pass.

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HB 1428—LS 6232/DI 144





February 9, 2023

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

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

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

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

## HOUSE BILL No. 1428

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

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

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

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

10 **(b) The term includes an elected school advisory board office.**  
11 SECTION 3. IC 3-8-1-34, AS AMENDED BY P.L.233-2015,  
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JANUARY 1, 2024]: Sec. 34. (a) A candidate for a school board office  
14 must have resided in the school corporation for at least one (1) year  
15 before the election.

16 (b) This subsection applies to a candidate for school board office  
17 seeking to represent an election district that consists of less than the

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1 entire school corporation. The candidate must have resided in the  
2 election district for at least one (1) year before the election.

3 **(c) A candidate for a school board office may not be an**  
4 **employee or agent of that school corporation.**

5 SECTION 4. IC 3-8-2-2 IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JANUARY 1, 2024]: Sec. 2. ~~A person~~ **An individual**  
7 who desires to be nominated at a primary election as a candidate of a  
8 political party subject to this chapter for a federal, state, legislative, or  
9 local, **or school board** office shall file a declaration of candidacy.

10 SECTION 5. IC 3-8-2.5-1, AS ADDED BY P.L.179-2011,  
11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JANUARY 1, 2024]: Sec. 1. **Except as provided in IC 3-8-2.7**, this  
13 chapter applies to a candidate for a school board office.

14 SECTION 6. IC 3-8-2.5-2.7 IS ADDED TO THE INDIANA CODE  
15 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
16 JANUARY 1, 2024]: Sec. 2.7. **(a) This section applies only if**  
17 **IC 3-8-2.7-4 applies to the nomination and election of a school**  
18 **corporation's school board members.**

19 **(b) In addition to the information required on a candidate's**  
20 **petition of nomination under section 2.5 of this chapter, a**  
21 **candidate's petition of nomination must state either of the**  
22 **following:**

23 **(1) The candidate's political party affiliation.**

24 **(2) That the candidate is an independent candidate if the**  
25 **candidate does not identify with a political party.**

26 **(c) Unless the candidate's political party affiliation is challenged**  
27 **under section 7 of this chapter, the candidate's political party**  
28 **affiliation stated on the petition shall be indicated on the general**  
29 **election ballot in the manner determined by the county election**  
30 **board.**

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

41 **(1) the political party with which the candidate claims**  
42 **affiliation; and**



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

8           SECTION 7. IC 3-8-2.5-7, AS ADDED BY P.L.194-2013,  
 9 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JANUARY 1, 2024]: Sec. 7. (a) A person may not be selected as a  
 11 candidate by petition of nomination without giving written consent and  
 12 having it filed with the public official with whom certificates and  
 13 petitions of 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 political party with**  
 40 **which the 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.**

5 **If the candidate produces a copy of the certification of the county**  
 6 **chairman of the political party with which the candidate claims**  
 7 **affiliation at the time the candidate filed the petition, the claim of**  
 8 **a challenger under this subsection is conclusively rebutted.**

9                   **(f) Unless a challenger shows under subsection (e) that a**  
 10 **candidate is not affiliated with the major political party with which**  
 11 **the candidate claims affiliation, the candidate's claimed political**  
 12 **party affiliation shall be indicated on the ballot as required by**  
 13 **section 2.7 of this chapter.**

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

17                   SECTION 8. IC 3-8-2.7 IS ADDED TO THE INDIANA CODE AS  
 18 A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE  
 19 JANUARY 1, 2024]:

20                   **Chapter 2.7. Nomination and Election of School Board**  
 21 **Candidates by Partisan Process**

22                   **Sec. 1. This chapter applies to the nomination and election of**  
 23 **candidates for election to a school board if either of the following**  
 24 **apply:**

25                   **(1) The school board adopts a resolution under section 2 of**  
 26 **this chapter.**

27                   **(2) The voters of the school board's school corporation**  
 28 **approve a public question under section 3 of this chapter.**

29                   **Sec. 2. (a) A school board may adopt a resolution to provide that**  
 30 **the members of the school board are nominated and elected as**  
 31 **described in either:**

32                   **(1) section 4 of this chapter; or**

33                   **(2) section 5 of this chapter.**

34                   **(b) A resolution adopted under this section must:**

35                   **(1) state the first year that members of the school board are**  
 36 **to be elected as provided in this chapter; and**

37                   **(2) be adopted before January 1 of the year that the next**  
 38 **election for school board members will be held.**

39                   **(c) If the school board adopts a resolution under this section, the**  
 40 **school board shall certify adoption of the resolution to the circuit**  
 41 **court clerk of the county in which the greatest percentage of**  
 42 **population of the school corporation resides before January 1 of**



1 the year that the next election for school board members will be  
2 held.

3 **Sec. 3. (a) If the lesser of:**

4 (1) five hundred (500) voters residing within the school  
5 corporation; or

6 (2) five percent (5%) of the registered voters residing within  
7 the school corporation;

8 sign a petition requesting that a public question be placed on the  
9 ballot at a general election as provided in this section, the county  
10 election board shall place the public question on the ballot as  
11 provided in this section.

12 (b) A petition under this section must indicate whether the  
13 members of the school board should be elected as provided in  
14 section 4 or 5 of this chapter. A petition satisfies the requirement  
15 of this subsection if the petition states the form of the public  
16 question under:

17 (1) subsection (d) for election of members of the school board  
18 as described in section 4 of this chapter; or

19 (2) subsection (e) for election of members of the school board  
20 as described in section 5 of this chapter.

21 (c) The following apply to the petition process under this  
22 section:

23 (1) The following apply to an individual who circulates or  
24 signs a petition under this section:

25 (A) The individual must be a registered voter who resides  
26 in the school corporation.

27 (B) An individual who circulates a copy of the petition  
28 must be a signatory on one (1) copy of the petition.

29 (C) After the individual who circulates a copy of the  
30 petition collects and files the signed petition copy, that  
31 individual must swear or affirm before a notary public  
32 that the individual witnessed each signature.

33 (2) Each copy of a petition that is circulated and filed at the  
34 county voter registration office must be verified under oath at  
35 the county voter registration office by at least one (1)  
36 individual who has signed the copy.

37 (3) Each copy of the petition must be filed with the county  
38 voter registration office not later than July 1 of the year that  
39 the public question requested in the petition is placed on the  
40 ballot.

41 (4) The county voter registration office shall determine  
42 whether each individual who signed a copy of the petition is



1 a registered voter who resides within the school corporation.  
 2 However, after the county voter registration office has  
 3 determined that at least five hundred twenty-five (525)  
 4 individuals who signed the petition are registered voters  
 5 within the school corporation, the county voter registration  
 6 office is not required to verify whether the remaining  
 7 individuals who signed the petition are registered voters.

8 (5) The county voter registration office shall determine, not  
 9 later than July 15, whether a sufficient number of voters who  
 10 are residents of the school corporation have signed the  
 11 petition under this section. If the name of an individual who  
 12 signs a petition copy as a registered voter contains a minor  
 13 variation from the name of the registered voter as set forth in  
 14 the records of the county voter registration office, the  
 15 signature is presumed to be valid, and there is a presumption  
 16 that the individual is entitled to sign the petition under this  
 17 section. In determining whether an individual is a registered  
 18 voter, the county voter registration office shall apply the  
 19 requirements and procedures used under this title to  
 20 determine whether an individual is a registered voter for  
 21 purposes of voting in an election. However, an individual is  
 22 not required to comply with the provisions concerning  
 23 providing proof of identification to be considered a registered  
 24 voter for purposes of this section.

25 (6) If the county voter registration office determines that the  
 26 petition is signed by a sufficient number of voters who reside  
 27 in the school corporation, the county voter registration office  
 28 shall certify the petition to the county election board not later  
 29 than August 1 before the next general election.

30 (d) If the county voter registration office certifies a petition  
 31 requesting that the members of the school board be elected as  
 32 described in section 4 of this chapter, the county election board  
 33 shall place the following public question on the ballot at the next  
 34 general election in the precincts within the school corporation:

35 "Shall the names of the candidates for election to the  
 36 \_\_\_\_\_ (insert the name of the school  
 37 corporation) school board be placed on the ballot to indicate  
 38 whether each candidate is affiliated with a political party or  
 39 is an independent candidate?"

40 (e) If the county voter registration office certifies a petition  
 41 requesting that the members of the school board be elected as  
 42 described in section 5 of this chapter, the county election board





1 shall place the following public question on the ballot at the next  
2 general election in the precincts within the school corporation:

3 "Shall candidates for election to the \_\_\_\_\_  
4 (insert the name of the school corporation) school board be  
5 nominated in the same fashion as candidates for partisan  
6 offices and shall the general election ballot for election of  
7 members of the school board indicate the political party with  
8 which each candidate is affiliated, if any?".

9 (f) The circuit court clerk shall certify the results of the vote on  
10 the public question under subsection (d) or (e) to the county  
11 election board.

12 (g) If a majority of the voters voting on the public question vote  
13 "yes", the election of the school corporation's school board  
14 members shall be subject to either the procedures of section 4 or 5  
15 of this chapter, whichever was approved by the voters, beginning  
16 with the next election of the school corporation's school board  
17 members.

18 Sec. 4. (a) This section applies if:

19 (1) a resolution is adopted under section 2(a)(1) of this  
20 chapter; or

21 (2) a public question described in section 3(d) of this chapter  
22 is approved under section 3 of this chapter.

23 (b) Candidates for election to the governing body shall be:

24 (1) nominated as provided in IC 3-8-2.5; and

25 (2) elected at the general election and designated on the  
26 general election ballot as either being:

27 (A) affiliated with a political party; or

28 (B) an independent candidate.

29 Sec. 5. (a) This section applies if:

30 (1) a resolution is adopted under section 2(a)(2) of this  
31 chapter; or

32 (2) a public question described in section 3(e) of this chapter  
33 is approved under section 3 of this chapter.

34 (b) IC 3-8-2.5 does not apply to the nomination or election of  
35 members of the school corporation's school board.

36 (c) Candidates for election to the school board shall be:

37 (1) nominated as provided in IC 3-8-2 or IC 3-8-6, whichever  
38 is applicable to each candidate; and

39 (2) placed on the ballot so that the political affiliation of each  
40 candidate is indicated in the same manner as candidates for  
41 partisan local offices are indicated.

42 SECTION 9. IC 3-8-6-1, AS AMENDED BY P.L.194-2013,



1 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JANUARY 1, 2024]: Sec. 1. (a) This chapter applies to a candidate for  
3 nomination to an elected office who:

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

7 (b) This chapter:

8 **(1) applies to a candidate for a school board office of a school**  
9 **corporation if IC 3-8-2.7 applies to the nomination and**  
10 **election of the candidates for the school corporation's school**  
11 **board offices; and**

12 **(2) does not apply to a candidate for a school board office of a**  
13 **school corporation if IC 3-8-2.7 does not apply to the**  
14 **nomination of the candidates for the school corporation's**  
15 **school board offices.**

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

- 23 (1) July 15 before a general or municipal election.  
24 (2) August 1 before a municipal election in a town subject to  
25 IC 3-8-5-10.  
26 (3) On the date specified for town convention nominees under  
27 IC 3-8-5-14.5.  
28 (4) On the date specified for declared write-in candidates under  
29 IC 3-8-2-2.7.  
30 (5) On the date specified for a school board candidate under  
31 IC 3-8-2.5-4, **even if IC 3-8-2.7 applies to a school**  
32 **corporation's candidates for election to its school board. or**  
33 (6) Forty-five (45) days before a special election.

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

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



1 withdrawal filed under this subsection.

2 SECTION 11. IC 3-8-9-5, AS AMENDED BY P.L.278-2019,  
3 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JANUARY 1, 2024]: Sec. 5. An individual required to file a statement  
5 under section 4 of this chapter shall file the statement as follows:

6 (1) With the individual's:

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

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

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

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

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

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

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

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

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

31 SECTION 12. IC 3-10-1-4 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 4. (a) At a  
33 primary election each political party subject to section 2 of this chapter  
34 shall nominate its candidates for the following offices to be voted for  
35 at the general election:

36 (1) United States Senator.

37 (2) Governor.

38 (3) United States Representative.

39 (4) Legislative offices.

40 (5) Local offices.

41 **(6) School board offices, if the school board offices are subject**  
42 **to IC 3-8-2.7-5.**



- 1 (b) In addition, each political party subject to section 2 of this
- 2 chapter shall:
- 3 (1) vote on candidates for nomination as President of the United
- 4 States;
- 5 (2) elect delegates from each county to the party's state
- 6 convention; and
- 7 (3) elect a precinct committeeman for each precinct in the county
- 8 if precinct committeemen are to be elected under section 4.5 of
- 9 this chapter.
- 10 SECTION 13. IC 3-10-1-18, AS AMENDED BY THE
- 11 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL
- 12 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JANUARY 1, 2024]: Sec. 18. (a) Except as provided by subsection (b),
- 14 the names of all candidates for each office who have qualified under
- 15 IC 3-8 shall be arranged in alphabetical order by surnames under the
- 16 designation of the office.
- 17 (b) This subsection applies to a county having a population of more
- 18 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
- 19 thousand (700,000). The names of all candidates for each office who
- 20 have qualified under IC 3-8, except for a school board office **subject**
- 21 **to IC 3-8-2.5 or IC 3-8-2.7-5**, precinct committeeman or state
- 22 convention delegate, shall be arranged in random order by surnames
- 23 under the designation of the office. The random order shall be
- 24 determined using a lottery. The lottery held in accordance with this
- 25 subsection shall be conducted in public by the county election board.
- 26 The lottery shall be held not later than fifteen (15) days following the
- 27 last day for a declaration of candidacy under IC 3-8-2-4. All candidates
- 28 whose names are to be arranged by way of the lottery shall be notified
- 29 at least five (5) days prior to the lottery of the time and place at which
- 30 the lottery is to be held. Each candidate may have one (1) designated
- 31 watcher, and each county political party may have one (1) designated
- 32 watcher who shall be allowed to observe the lottery procedure.
- 33 (c) For paper ballots, the left margin of the ballot for each political
- 34 party must show the name of the uppermost candidate printed to the
- 35 right of the number 1, the next candidate number 2, the next candidate
- 36 number 3, and so on, consecutively to the end of the ballot as
- 37 prescribed in section 19 of this chapter. If ordered by a county election
- 38 board or a board of elections and registration under IC 3-11-15-13.1(b),
- 39 a ballot number or other candidate designation uniquely associated
- 40 with the candidate must be displayed on the electronic voting system
- 41 and printed on the ballot cards.
- 42 (d) This subsection applies to a county having a population of more



1 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred  
 2 thousand (700,000). If there is insufficient room on a row to list each  
 3 candidate of a political party, a second or subsequent row may be  
 4 utilized. However, a second or subsequent row may not be utilized  
 5 unless the first row, and all preceding rows, have been filled.

6 SECTION 14. IC 3-10-1-19, AS AMENDED BY P.L.278-2019,  
 7 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JANUARY 1, 2024]: Sec. 19. (a) The ballot for a primary election shall  
 9 be printed in substantially the form described in this section for all the  
 10 offices for which candidates have qualified under IC 3-8.

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

13 "OFFICIAL PRIMARY BALLOT  
 14 \_\_\_\_\_ Party (insert the name of the political party)".

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

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

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

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

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

30 (d) Local public questions shall be placed on the primary election  
 31 ballot after the heading and the voting instructions described in  
 32 subsection (c) (if the instructions are printed on the ballot) and before  
 33 the offices described in subsection (g).

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

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

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

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



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



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

17 **(8) School board offices, if the school board offices are subject**  
 18 **to IC 3-8-2.7-5.**

19 (h) The political party offices with candidates for election shall be  
 20 placed on the primary election ballot in the following order after the  
 21 offices described in subsection (g):

- 22 (1) Precinct committeeman.
- 23 (2) State convention delegate.

24 (i) The local offices to be elected at the primary election shall be  
 25 placed on the primary election ballot after the offices described in  
 26 subsection (h).

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

- 28 (1) In a separate column on the ballot if voting is by paper ballot.
- 29 (2) After the offices described in subsection (h) in the form
- 30 specified in IC 3-11-13-11 if voting is by ballot card.
- 31 (3) Either:
- 32 (A) on a separate screen for each office or public question; or
- 33 (B) after the offices described in subsection (h) in the form
- 34 specified in IC 3-11-14-3.5;
- 35 if voting is by an electronic voting system.

36 SECTION 15. IC 3-10-8-1, AS AMENDED BY P.L.219-2013,  
 37 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JANUARY 1, 2024]: Sec. 1. A special election shall be held in the  
 39 following cases:

- 40 (1) Whenever two (2) or more candidates for a federal, state,  
 41 legislative, **or** circuit **or** school board office receive the **highest**  
 42 **greatest** and an equal number of votes for the office, except as



- 1 provided in Article 5, Section 5 of the Constitution of the State of
- 2 Indiana. ~~or in IC 20:~~
- 3 (2) Whenever a vacancy occurs in the office of United States
- 4 Senator, as provided in IC 3-13-3-1.
- 5 (3) Whenever a vacancy occurs in the office of United States
- 6 Representative unless the vacancy occurs less than seventy-four
- 7 (74) days before a general election.
- 8 (4) Whenever a vacancy occurs in any local office the filling of
- 9 which is not otherwise provided by law.
- 10 (5) Whenever required by law for a public question.
- 11 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
- 12 recount commission under IC 3-12-11-18.
- 13 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
- 14 legislative office unless the vacancy occurs less than seventy-four
- 15 (74) days before a general election.
- 16 SECTION 16. IC 3-11-2-12, AS AMENDED BY P.L.109-2021,
- 17 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JANUARY 1, 2024]: Sec. 12. The following offices shall be placed on
- 19 the general election ballot in the following order after the public
- 20 questions described in section 10(a) of this chapter:
- 21 (1) Federal and state offices:
- 22 (A) President and Vice President of the United States.
- 23 (B) United States Senator.
- 24 (C) Governor and lieutenant governor.
- 25 (D) Secretary of state.
- 26 (E) Auditor of state.
- 27 (F) Treasurer of state.
- 28 (G) Attorney general.
- 29 (H) United States Representative.
- 30 (2) Legislative offices:
- 31 (A) State senator.
- 32 (B) State representative.
- 33 (3) Circuit offices and county judicial offices:
- 34 (A) Judge of the circuit court, and unless otherwise specified
- 35 under IC 33, with each division separate if there is more than
- 36 one (1) judge of the circuit court.
- 37 (B) Judge of the superior court, and unless otherwise specified
- 38 under IC 33, with each division separate if there is more than
- 39 one (1) judge of the superior court.
- 40 (C) Judge of the probate court.
- 41 (D) Prosecuting attorney.
- 42 (E) Clerk of the circuit court.





- 1 (4) County offices:
- 2 (A) County auditor.
- 3 (B) County recorder.
- 4 (C) County treasurer.
- 5 (D) County sheriff.
- 6 (E) County coroner.
- 7 (F) County surveyor.
- 8 (G) County assessor.
- 9 (H) County commissioner.
- 10 (I) County council member.
- 11 (5) Township offices:
- 12 (A) Township assessor (only in a township referred to in
- 13 IC 36-6-5-1(d)).
- 14 (B) Township trustee.
- 15 (C) Township board member.
- 16 (D) Judge of the small claims court.
- 17 (E) Constable of the small claims court.
- 18 (6) City offices:
- 19 (A) Mayor.
- 20 (B) Clerk or clerk-treasurer.
- 21 (C) Judge of the city court.
- 22 (D) City-county council member or common council member.
- 23 (7) Town offices:
- 24 (A) Clerk-treasurer.
- 25 (B) Judge of the town court.
- 26 (C) Town council member.
- 27 **(8) School board offices.**
- 28 SECTION 17. IC 3-11-2-12.4, AS AMENDED BY P.L.109-2021,
- 29 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JANUARY 1, 2024]: Sec. 12.4. (a) This section applies whenever more
- 31 than one (1) candidate may be elected to an office.
- 32 (b) The office shall be placed on the general election ballot after the
- 33 offices described in section 12 of this chapter. ~~and before the offices~~
- 34 ~~described in section 12.9 of this chapter.~~
- 35 (c) Whenever candidates are to be elected to a county council, city
- 36 common council, or town council that includes both an at-large
- 37 member and a member representing a district, the candidates seeking
- 38 election as an at-large member shall be placed on the ballot before
- 39 candidates seeking to represent a district.
- 40 (d) The ballot shall contain a statement reading substantially as
- 41 follows above the name of the first candidate: "To vote for any
- 42 candidate for this office, you must make a voting mark for each



1 candidate you wish to vote for. A straight party vote will not count as  
2 a vote for any candidate for this office."

3 SECTION 18. IC 3-11-2-12.9 IS REPEALED [EFFECTIVE  
4 JANUARY 1, 2024]. ~~Sec. 12.9: (a) School board offices to be elected~~  
5 ~~at the general election shall be placed on the general election ballot~~  
6 ~~after the offices described in section 12.4 of this chapter with each~~  
7 ~~candidate for the office designated as "nonpartisan".~~

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

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

16 SECTION 19. IC 3-11-2-13, AS AMENDED BY P.L.190-2011,  
17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JANUARY 1, 2024]: Sec. 13. (a) The following offices shall be placed  
19 on the general election ballot in the following order after the offices  
20 described in section ~~12.9~~ **12.4** of this chapter:

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

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

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

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

33 SECTION 20. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,  
34 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JANUARY 1, 2024]: Sec. 4. (a) Except as provided in subsection (b),  
36 a ballot card voting system must permit a voter to vote:

- 37 (1) except at a primary election, a straight party ticket for all of  
38 the candidates of one (1) political party by a single voting mark  
39 on each ballot card;
- 40 (2) for one (1) or more candidates of each political party or  
41 independent candidates, or for one (1) or more school board  
42 candidates nominated by petition;



- 1 (3) a split ticket for the candidates of different political parties
- 2 and for independent candidates; or
- 3 (4) a straight party ticket and then split that ticket by casting
- 4 individual votes for candidates of another political party or
- 5 independent candidate.
- 6 (b) A ballot card voting system must require that a voter who wishes
- 7 to cast a ballot for a candidate for election to an at-large district to
- 8 which more than one person may be elected, on a:
- 9 (1) county council;
- 10 (2) city common council;
- 11 (3) town council; ~~or~~
- 12 (4) township board; ~~or~~
- 13 **(5) school board;**
- 14 make a voting mark for each individual candidate for whom the voter
- 15 wishes to cast a vote. The ballot card voting system may not count any
- 16 straight party ticket voting mark as a vote for any candidate for an
- 17 office described by this subsection.
- 18 (c) A ballot card voting system must permit a voter to vote:
- 19 (1) for all candidates for presidential electors and alternate
- 20 presidential electors of a political party or an independent ticket
- 21 by making a single voting mark; and
- 22 (2) for or against a public question on which the voter may vote.
- 23 SECTION 21. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
- 24 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JANUARY 1, 2024]: Sec. 10. (a) Except as provided in subsection (b),
- 26 an electronic voting system must permit a voter to vote:
- 27 (1) except at a primary election, a straight party ticket for all the
- 28 candidates of one (1) political party by touching the device of that
- 29 party;
- 30 (2) for one (1) or more candidates of each political party or
- 31 independent candidates, or for one (1) or more school board
- 32 candidates nominated by petition;
- 33 (3) a split ticket for the candidates of different political parties
- 34 and for independent candidates; or
- 35 (4) a straight party ticket and then split that ticket by casting
- 36 individual votes for candidates of another political party or
- 37 independent candidates.
- 38 (b) An electronic voting system must require that a voter who
- 39 wishes to cast a ballot for a candidate for election to an at-large district
- 40 to which more than one person may be elected, on a:
- 41 (1) county council;
- 42 (2) city common council;



1 (3) town council; ~~or~~  
 2 (4) township board; ~~or~~  
 3 **(5) school board;**  
 4 make a voting mark for each individual candidate for whom the voter  
 5 wishes to cast a vote. The electronic voting system may not count any  
 6 straight party ticket voting mark as a vote for any candidate for an  
 7 office described by this subsection.  
 8 (c) An electronic voting system must permit a voter to vote:  
 9 (1) for as many candidates for an office as the voter may vote for,  
 10 but no more;  
 11 (2) for or against a public question on which the voter may vote,  
 12 but no other; and  
 13 (3) for all the candidates for presidential electors and alternate  
 14 presidential electors of a political party or an independent ticket  
 15 by making a single voting mark.  
 16 SECTION 22. IC 3-11-13-11, AS AMENDED BY P.L.193-2021,  
 17 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JANUARY 1, 2024]: Sec. 11. (a) The ballot information, whether  
 19 placed on the ballot card or on the marking device, must be in the order  
 20 of arrangement provided for ballots under this section.  
 21 (b) Each county election board shall have the names of all  
 22 candidates for all elected offices, political party offices, and public  
 23 questions printed on a ballot card as provided in this chapter. The  
 24 county may:  
 25 (1) print all offices and questions on a single ballot card; and  
 26 (2) include a ballot variation code to ensure that the proper  
 27 version of a ballot is used within a precinct.  
 28 (c) Each type of ballot card must be of uniform size and of the same  
 29 quality and color of paper (except as permitted under IC 3-10-1-17).  
 30 (d) The nominees of a political party or an independent candidate  
 31 or independent ticket (described in IC 3-11-2-6) nominated by  
 32 petitioners shall be listed on the ballot with the name and device set  
 33 forth on the certification or petition. The circle containing the device  
 34 may be of any size that permits a voter to readily identify the device.  
 35 IC 3-11-2-5 applies if the certification or petition does not include a  
 36 name or device, or if the same device is selected by two (2) or more  
 37 parties or petitioners.  
 38 (e) The offices and public questions on the general election ballot  
 39 must be placed on the ballot in the order listed in IC 3-11-2-12,  
 40 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),~~  
 41 ~~IC 3-11-2-12.9(c),~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),  
 42 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). The offices and



1 public questions may be listed in a continuous column either vertically  
2 or horizontally and on a number of separate pages.

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

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

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

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

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

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

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

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

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

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

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

40 (h) The names of the candidates grouped in the order established by  
41 subsection (g) must be printed in type with uniform capital letters and  
42 have a uniform space between each name. The name of the candidate's



1 political party, or the word "Independent" if the:

2 (1) candidate; or

3 (2) ticket of candidates for:

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

5 (B) governor and lieutenant governor;

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

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

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

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

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

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

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

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

23 (2) in alphabetical order according to surname.

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

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

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

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

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

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

41 (2) immediately below or beside the political party's or  
42 independent ticket's name, the device of that party or ticket



- 1 (described in IC 3-11-2-5).  
 2 The name and device of each political party or independent ticket must  
 3 be of uniform size and type and arranged in the order established by  
 4 subsection (g) for listing candidates under each office. The instructions  
 5 described in IC 3-11-2-10(c) for voting a straight party ticket and the  
 6 statement concerning presidential electors required under IC 3-10-4-3  
 7 must be placed on the ballot label. The instructions for voting a straight  
 8 party ticket must include the statement: "If you do not wish to vote a  
 9 straight party ticket, do not make a mark in this section and proceed to  
 10 voting the ballot by office."
- 11 ~~(m)~~ **(l)** A public question must be in the form described in  
 12 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable  
 13 arrow, a circle, or an oval may be used instead of a square. Except as  
 14 expressly authorized or required by statute, a county election board  
 15 may not print a ballot card that contains language concerning the public  
 16 question other than the language authorized by a statute.
- 17 ~~(m)~~ **(m)** The requirements in this section:  
 18 (1) do not replace; and  
 19 (2) are in addition to;  
 20 any other requirements in this title that apply to optical scan ballots.
- 21 ~~(o)~~ **(n)** The procedure described in IC 3-11-2-16 must be used when  
 22 a ballot does not comply with the requirements imposed by this title or  
 23 contains another error or omission that might result in confusion or  
 24 mistakes by voters.
- 25 ~~(p)~~ **(o)** This subsection applies to an optical scan ballot that does not  
 26 list:  
 27 (1) the names of political parties or candidates; or  
 28 (2) the text of public questions;  
 29 on the face of the ballot. The ballot must be prepared in accordance  
 30 with this section, except that the ballot must include a numbered circle  
 31 or oval to refer to each political party, candidate, or public question.
- 32 SECTION 23. IC 3-11-14-3.5, AS AMENDED BY P.L.193-2021,  
 33 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JANUARY 1, 2024]: Sec. 3.5. (a) Each county election board shall  
 35 have the names of all candidates for all elected offices, political party  
 36 offices, and public questions printed on ballot labels for use in an  
 37 electronic voting system as provided in this chapter.
- 38 (b) The county may:  
 39 (1) print all offices and public questions on a single ballot label;  
 40 and  
 41 (2) include a ballot variation code to ensure that the proper  
 42 version of a ballot label is used within a precinct.



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

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

11 (e) The ballot labels must list the offices and public questions on the  
12 general election ballot in the order listed in IC 3-11-2-12,  
13 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),~~  
14 ~~IC 3-11-2-12.9(c),~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),  
15 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). Each office and  
16 public question may have a separate screen, or the offices and public  
17 questions may be listed in a continuous column either vertically or  
18 horizontally.

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

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

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

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

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

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

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





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



- 1           (2) in alphabetical order according to 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) for this office."
- 6           ~~(k)~~ (j) The cautionary statement described in IC 3-11-2-7 must be
- 7 placed at the top or beginning of the ballot label before the first public
- 8 question is listed.
- 9           ~~(l)~~ (k) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
- 10 and IC 3-11-2-10(e) may be:
- 11           (1) placed on the ballot label; or
- 12           (2) posted in a location within the voting booth that permits the
- 13 voter to easily read the instructions.
- 14           ~~(m)~~ (l) Except as provided in section 14.5 of this chapter, the ballot
- 15 label must include a touch sensitive point or button for voting a straight
- 16 political party or independent ticket (described in IC 3-11-2-6) by one
- 17 (1) touch, and the touch sensitive point or button must be identified by:
- 18           (1) the name of the political party or independent ticket; and
- 19           (2) immediately below or beside the political party's or
- 20 independent ticket's name, the device of that party or ticket
- 21 (described in IC 3-11-2-5).
- 22           The name and device of each party or ticket must be of uniform size
- 23 and type, and arranged in the order established by subsection (g) for
- 24 listing candidates under each office. The instructions described in
- 25 IC 3-11-2-10(c) for voting a straight party ticket and the statement
- 26 concerning presidential electors required under IC 3-10-4-3 must be
- 27 placed on the ballot label. The instructions for voting a straight party
- 28 ticket must include the statement: "If you do not wish to vote a straight
- 29 party ticket, press "NEXT" (or replace "NEXT" with the term used by
- 30 that voting system to permit a voter to skip a ballot screen) to continue
- 31 voting."
- 32           ~~(n)~~ (m) A public question must be in the form described in
- 33 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
- 34 point or button must be used instead of a square. Except as expressly
- 35 authorized or required by statute, a county election board may not print
- 36 a ballot label that contains language concerning the public question
- 37 other than the language authorized by a statute.
- 38           ~~(o)~~ (n) The requirements in this section:
- 39           (1) do not replace; and
- 40           (2) are in addition to;
- 41 any other requirements in this title that apply to ballots for electronic
- 42 voting systems.



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

5           SECTION 24. IC 3-11-14-12 IS REPEALED [EFFECTIVE  
 6 JANUARY 1, 2024]. ~~Sec. 12. In school district elections, the county  
 7 election board shall arrange the names of candidates in alphabetical  
 8 order on an electronic voting system as required by section 3.5 of this  
 9 chapter.~~

10           SECTION 25. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,  
 11 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JANUARY 1, 2024]: Sec. 7. (a) This subsection applies whenever a  
 13 voter:

14           (1) votes a straight party ticket; and

15           (2) votes only for one (1) or more individual candidates who are  
 16 all of the same political party as the straight ticket vote.

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

19           (b) This subsection applies whenever:

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

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

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

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

27           (B) an independent candidate or declared write-in candidate  
 28 for the office.

29 If the voter has voted for one (1) individual candidate for the office  
 30 described in subdivision (2), the individual candidate vote for that  
 31 office shall be counted, the straight party ticket vote for that office may  
 32 not be counted, and the straight party ticket votes for other offices on  
 33 the ballot shall be counted.

34           (c) This subsection applies whenever:

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

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

39 The individual candidate votes for that office may not be counted, the  
 40 straight party ticket vote for that office may not be counted, and the  
 41 straight party ticket votes for other offices on the ballot shall be  
 42 counted.



- 1 (d) 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) more than one (1) person may be elected to an office; and  
 5 (3) the voter has voted for individual candidates for the office  
 6 described in subdivision (2) who are:  
 7 (A) independent candidates or declared write-in candidates;  
 8 (B) candidates of a political party other than the political party  
 9 for which the voter cast a straight party ticket under  
 10 subdivision (1); or  
 11 (C) a combination of candidates described in clauses (A) and  
 12 (B).

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

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

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

- 42 (f) If a voter votes a straight party ticket for more than one (1)



1 political party, the whole ballot is void with regard to all candidates  
 2 nominated by a political party, declared write-in candidates, or  
 3 candidates designated as independent candidates on the ballot.  
 4 However, the voter's vote for a school board candidate or on a public  
 5 question shall be counted if otherwise valid under this chapter.

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

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

13 SECTION 26. IC 3-12-9-3, AS AMENDED BY P.L.230-2005,  
 14 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JANUARY 1, 2024]: Sec. 3. Whenever a circuit court clerk receives  
 16 certification that a tie vote at an election for a local office or a school  
 17 board office occurred, the clerk shall immediately send a written notice  
 18 of the tie vote to **the following:**

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

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

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

26 SECTION 27. IC 3-12-9-4, AS AMENDED BY P.L.85-2017,  
 27 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JANUARY 1, 2024]: Sec. 4. **(a) This section does not apply if a tie**  
 29 **vote occurred in an election for a school board office.**

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

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

41 ~~(c)~~ **(d)** If a tie vote has occurred for the election of more than one (1)  
 42 at-large seat on a legislative or fiscal body, the fiscal body shall select



1 the number of individuals necessary to fill each of the at-large seats for  
 2 which the tie vote occurred. However, a member of a fiscal body who  
 3 runs for reelection and is involved in a tie vote may not cast a vote  
 4 under this section.

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

11 SECTION 28. IC 3-12-9-5 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. Whenever a tie  
 13 vote at an election for:

- 14 (1) a state office; or  
 15 (2) a local office; or  
 16 ~~(3) a school board office;~~

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

20 SECTION 29. IC 3-13-10.5 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 22 JANUARY 1, 2024]:

23 **Chapter 10.5. School Corporation Governing Body; Resolving**  
 24 **Tie Votes; Filling Vacancies**

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

- 27 (1) **The governing body of a school corporation.**  
 28 (2) **The school advisory body of a school corporation.**

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

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

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

41 (d) **If a tie vote has occurred for the election of more than one**  
 42 **(1) at-large seat on the governing body, the governing body shall**



1 select the number of individuals necessary to fill each of the  
 2 at-large seats for which the tie vote occurred from among the  
 3 candidates who were involved in the tie vote.

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

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

9 Sec. 3. (a) A vacancy on the governing body in an office that was  
 10 last held by an individual elected or selected as a candidate of a  
 11 major political party of Indiana shall be filled by a caucus under  
 12 IC 3-13-11. For purposes of IC 3-13-11, an individual elected as  
 13 provided under IC 3-8-2.7-4 who is designated as being affiliated  
 14 with a major political party is considered to have been elected or  
 15 selected as a candidate of that major political party.

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

20 SECTION 30. IC 20-23-4-29.1, AS ADDED BY P.L.179-2011,  
 21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JANUARY 1, 2024]: Sec. 29.1. (a) This section applies to each school  
 23 corporation.

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

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

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

34 (B) by all the voters of the school corporation from  
 35 residence districts; or

36 (C) solely by the voters of each election district established  
 37 under the plan.

38 (2) IC 3 governs the nomination and election of members of  
 39 the governing body. A candidate must be nominated as  
 40 provided in IC 3-8-2.5 or IC 3-8-2.7, whichever is applicable  
 41 to the particular candidate.

42 (c) All nominations shall be listed for each office in the form



1 prescribed by IC 3-11-2; but without party designation. Voting and  
 2 tabulation of votes shall be conducted in the same manner as voting  
 3 and tabulation in general elections are conducted. The precinct election  
 4 boards serving in each county shall conduct the election for members  
 5 of the governing body. If a school corporation is located in more than  
 6 one (1) county, each county election board shall print the ballots  
 7 required for voters in that county to vote for candidates for members of  
 8 the governing body.

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

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

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

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

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

42 (c) If after the first governing body takes office, fewer candidates





1 have been elected to the school board than there were members to be  
 2 elected, the governing body shall determine not later than noon  
 3 December 31 following the election which incumbent member or  
 4 members continue to hold office under Article 15, Section 3 of the  
 5 Constitution of the State of Indiana until a successor is elected and  
 6 qualified. However;

7 (d) If there is a vacancy on the governing body, whether the  
 8 vacating member was elected or appointed, ~~the remaining members of~~  
 9 ~~the governing body, whether or not a majority of the governing body,~~  
 10 shall by a majority vote fill the vacancy by appointing a person from  
 11 within the boundaries of the community school corporation to serve for  
 12 the term or balance of the term. An individual appointed under this  
 13 subsection must possess the qualifications provided for a regularly  
 14 elected or appointed governing body member filling the office. If:

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

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

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

23 (d) (e) A vacancy in the governing body occurs if a member ceases  
 24 to be a resident of ~~any~~ **the** community school corporation. A vacancy  
 25 does not occur when the member moves from a district of the school  
 26 corporation from which the member was elected or appointed if the  
 27 member continues to be a resident of the school corporation.

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

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

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

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

38 (f) (g) Elected governing body members take office and assume  
 39 their duties on the date set in the school corporation's organization plan.  
 40 The date set in the organization plan for an elected member of the  
 41 governing body to take office may not be more than fourteen (14)  
 42 months after the date of the member's election. If the school



1 corporation's organization plan does not set a date for an elected  
 2 member of the governing body to take office, the member takes office  
 3 January 1 immediately after the member's election.

4 SECTION 32. IC 20-23-4-35, AS AMENDED BY P.L.169-2022,  
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JANUARY 1, 2024]: Sec. 35. (a) The governing body of a school  
 7 corporation may be organized under this section.

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

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

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

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

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

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

24 (B) Two (2) residential districts must divide the remaining  
 25 area within the school corporation.

26 Only one (1) member who resides within a particular residential  
 27 district established under this subdivision may serve on the  
 28 governing body at a time.

29 (c) A member of the governing body who is:

30 (1) elected from an election or a residential district; or

31 (2) appointed to fill a vacancy from an election or a residential  
 32 district;

33 must reside within the boundaries of the district the member represents.

34 (d) A vacancy on the governing body shall be filled ~~by the~~  
 35 ~~governing body as soon as practicable after the vacancy occurs. A~~  
 36 ~~member chosen by the governing body to fill a vacancy holds office for~~  
 37 ~~the remainder of the unexpired term. as provided in IC 3-13-10.5-3.~~

38 (e) The members of the governing body serving at the time a plan  
 39 is amended under this section shall establish the election and  
 40 residential districts described in subsection (b).

41 (f) The election districts described in subsection (b)(1):

42 (1) shall be drawn on the basis of precinct lines;



- 1 (2) may not cross precinct lines; and  
 2 (3) as nearly as practicable, be of equal population, with the  
 3 population of the largest exceeding the population of the smallest  
 4 by not more than fifteen percent (15%).  
 5 (g) The residential districts described in subsection (b)(2) may:  
 6 (1) be drawn in any manner considered appropriate by the  
 7 governing body; and  
 8 (2) be drawn along township lines.  
 9 (h) The governing body shall certify the districts that are established  
 10 under subsections (f) and (g), amended under subsection (e), or  
 11 recertified under section 35.5 of this chapter to:  
 12 (1) the state board; and  
 13 (2) the circuit court clerk of each county in which the school  
 14 corporation is located as provided in section 35.5 of this chapter.  
 15 (i) The governing body shall designate:  
 16 (1) three (3) of the districts established under this section to be  
 17 elected at the first school board election that occurs after the  
 18 effective date of the plan; and  
 19 (2) the remaining four (4) districts to be elected at the second  
 20 school board election that occurs after the effective date of the  
 21 plan.  
 22 (j) The limitations set forth in this section are part of the plan, but  
 23 do not have to be specifically set forth in the plan. The plan must be  
 24 construed, if possible, to comply with this chapter. If a provision of the  
 25 plan or an application of the plan violates this chapter, the invalidity  
 26 does not affect the other provisions or applications of the plan that can  
 27 be given effect without the invalid provision or application. The  
 28 provisions of the plan are severable.  
 29 (k) IC 3-5-10 applies to a plan established under this section.  
 30 SECTION 33. IC 20-23-4-44, AS AMENDED BY P.L.104-2022,  
 31 SECTION 120, IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JANUARY 1, 2024]: Sec. 44. (a) This section applies  
 33 only to a school corporation with territory in a county having a  
 34 population of more than one hundred eighty-five thousand (185,000)  
 35 and less than two hundred thousand (200,000).  
 36 (b) ~~This section applies~~ If there is a  
 37 (+) tie vote in an election for a member of the governing body of  
 38 a school corporation, ~~or~~  
 39 (-) vacancy on the governing body of a school corporation.  
 40 **the tie vote shall be resolved as provided in IC 3-13-10.5-2.**  
 41 (c) ~~Notwithstanding any other law, If a tie vote occurs among any~~  
 42 ~~of the candidates for the governing body or a vacancy occurs on the~~



1 governing body, the remaining members of the governing body; even  
 2 if the remaining members do not constitute a majority of the governing  
 3 body; shall by a majority vote of the remaining members:

4 (1) select one (1) of the candidates who shall be declared and  
 5 certified elected; or

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

8 (d) An individual appointed to fill a vacancy under subsection  
 9 (c)(2):

10 (1) must satisfy all the qualifications required of a member of the  
 11 governing body; and

12 (2) shall fill the remainder of the unexpired term of the vacating  
 13 member.

14 (e) If a tie vote occurs among the remaining members of the  
 15 governing body or the governing body fails to act within thirty (30)  
 16 days after the election or the vacancy occurs; the fiscal body (as  
 17 defined in IC 3-5-2-25) of the township in which the greatest  
 18 percentage of population of the school district resides shall break the  
 19 tie or make the appointment. A member of the fiscal body who was a  
 20 candidate and is involved in a tie vote may not cast a vote under this  
 21 subsection.

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

25 SECTION 34. IC 20-23-7-8.1, AS AMENDED BY P.L.219-2013,  
 26 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JANUARY 1, 2024]: Sec. 8.1. (a) The registered voters of the  
 28 metropolitan school district shall elect the members of the metropolitan  
 29 board of education at general elections held biennially, beginning with  
 30 the next general election that is held more than sixty (60) days after the  
 31 creation of the metropolitan school district as provided in this chapter.

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

37 (c) Nominees for the board shall be listed on the general election  
 38 ballot:

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

40 (2) by board member districts; and

41 (3) without party designation.

42 The ballot must state the number of board members to be voted on and



1 the maximum number of members that may be elected from each board  
 2 member district as provided under section 5 of this chapter. A ballot  
 3 that contains more votes than the maximum number allowed from a  
 4 board member district is invalid.

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

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

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

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

15 (2) the candidates elected are those who, among the candidates  
 16 from the board member district, receive the most votes; and

17 (3) the other candidates from the board member district are  
 18 eliminated.

19 (b) **IC 3 governs the nomination and election of candidates. A**  
 20 **candidate must be nominated as provided in IC 3-8-2.5 or**  
 21 **IC 3-8-2.7, whichever is applicable to the particular candidate.**

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

27 (h) (d) If, at any time after the first board member election, A  
 28 vacancy on the board that occurs for any reason including an  
 29 insufficient number of petitions for candidates being filed; and  
 30 regardless of whether the vacating member was elected or appointed;  
 31 the remaining members of the board; whether or not a majority of the  
 32 board; shall by a majority 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: **shall be filled as provided in IC 3-13-10.5-3.**



1 (i) 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 (j) (e) 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) (f) 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 SECTION 35. IC 20-23-10-8, AS AMENDED BY P.L.233-2015,  
31 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JANUARY 1, 2024]: Sec. 8. (a) The board members of a merged  
33 school corporation shall be elected at the first general election  
34 following the merged school corporation's creation, and vacancies shall  
35 be filled in accordance with ~~IC 20-23-4-30~~; **IC 3-13-10.5-3**.

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

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



1 SECTION 36. IC 20-23-12-3, AS AMENDED BY  
 2 P.L.213-2018(ss), SECTION 16, IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3. (a) The  
 4 emergency manager appointed by the distressed unit appeal board  
 5 under IC 6-1.1-20.3 shall act as the governing body of the school  
 6 corporation and has the powers set forth in IC 6-1.1-20.3-8.5, including  
 7 the powers and duties of the governing body of the school corporation.  
 8 The school corporation shall also have an advisory board that consists  
 9 of seven (7) members elected ~~as follows:~~

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

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

12 The advisory board is created to provide nonbinding recommendations  
 13 to the emergency manager.

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

16 (1) is elected from the school district in which the member  
 17 resides; and

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

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

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

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

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

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

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

36 SECTION 37. IC 20-23-12-5, AS AMENDED BY  
 37 P.L.213-2018(ss), SECTION 17, IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) The six (6)  
 39 members who are elected for a position on the advisory board  
 40 described under section 3(b) of this chapter are determined as follows:

41 (1) Each ~~prospective candidate must file a nomination petition~~  
 42 ~~with the board of elections and registration not earlier than one~~



1 hundred four (104) days and not later than noon seventy-four (74)  
 2 days before the election at which the members are to be elected  
 3 that includes the following information:

4 (A) The name of the prospective candidate.

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

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

8 (D) The fact that the prospective candidate is running for a  
 9 district position.

10 (E) A certification that the prospective candidate meets the  
 11 qualifications for candidacy imposed by this chapter. **shall be**  
 12 **nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**  
 13 **whichever is applicable to the particular candidate.**

14 (2) Only eligible voters residing in the district may vote for a  
 15 candidate.

16 (3) The candidate within each district who receives the greatest  
 17 number of votes in the district is elected. **IC 3 governs the**  
 18 **nomination and election of members of the advisory board**  
 19 **under this subsection.**

20 (b) The at-large member elected under section 3(c) of this chapter  
 21 is determined as follows:

22 (1) Each prospective candidate must file a nomination petition  
 23 with the clerk of the circuit court at least seventy-four (74) days  
 24 before the election at which the at-large member is to be elected.  
 25 The petition must include the following information:

26 (A) The name of the prospective candidate.

27 (B) The signatures of at least one hundred (100) registered  
 28 voters residing within the school corporation.

29 (C) The fact that the prospective candidate is running for the  
 30 at-large position on the advisory board.

31 (D) A certification that the prospective candidate meets the  
 32 qualifications for candidacy imposed by this chapter. **shall be**  
 33 **nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**  
 34 **whichever is applicable to the candidate.**

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

37 (3) The candidate who:

38 (A) runs for the at-large position on the advisory board; and

39 (B) receives the greatest number of votes in the school  
 40 corporation;

41 is elected to the at-large position. **IC 3 governs the nomination**  
 42 **and election of the member of the advisory board under this**





1           **subsection.**

2           SECTION 38. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011,  
3           SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JANUARY 1, 2024]: Sec. 2.1. (a) ~~As used in this section, "county~~  
5           ~~election board"~~ includes a board of elections and registration  
6           ~~established under IC 3-6-5.2.~~

7           ~~(b)~~ (a) The voters of the school corporation shall elect the members  
8           of the governing body at a general election for a term of four (4) years.  
9           The members shall be elected from the city at large without reference  
10          to district.

11          ~~(c)~~ (b) Each candidate for election to the governing body must file  
12          a petition of nomination with the county election board in each county  
13          in which a school corporation subject to this chapter is located. The  
14          petition of nomination must comply with IC 3-8-2.5 and the following  
15          requirements:

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

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

19                (3) The number of petitions signed by a legal voter may not  
20                exceed the number of school trustees to be elected: **shall be**  
21                **nominated as provided in IC 3-8-2.5 or IC 3-8-2.7, whichever**  
22                **is applicable to the particular candidate.**

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

28          ~~(e)~~ (d) The county election board shall prepare the ballot for the general  
29          election at which members of the governing body are to be elected so  
30          that the names of the candidates nominated appear on the ballot:

31                (1) in alphabetical order;

32                (2) without party designation; and

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

34          ~~(f)~~ (e) The county election board shall not publish or place on the ballot  
35          the name of a candidate who is not eligible under this chapter for  
36          membership on the governing body.

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

39          SECTION 39. IC 20-23-14-3, AS AMENDED BY P.L.271-2013,  
40          SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41          JANUARY 1, 2024]: Sec. 3. (a) The governing body of the school  
42          corporation consists of five (5) members. ~~elected on a nonpartisan~~



- 1 basis:
- 2 (b) Three (3) of the members are elected from the school districts
- 3 referred to in section 4.5 of this chapter by eligible voters residing in
- 4 the school districts. Each member:
- 5 (1) is elected from the school district in which the member
- 6 resides; and
- 7 (2) upon election and in conducting the business of the governing
- 8 body, represents the interests of the entire school corporation.
- 9 (c) Two (2) of the members:
- 10 (1) are elected by eligible voters residing in the school
- 11 corporation;
- 12 (2) are at-large members of the governing body; and
- 13 (3) upon election and in conducting the business of the governing
- 14 body, represent the interests of the entire school corporation.
- 15 SECTION 40. IC 20-23-14-5, AS AMENDED BY P.L.6-2012,
- 16 SECTION 127, IS AMENDED TO READ AS FOLLOWS
- 17 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. To be eligible to be a
- 18 candidate for the governing body under this chapter, the following
- 19 apply:
- 20 (1) Each prospective candidate must file a petition of nomination
- 21 with the board of elections and registration not earlier than one
- 22 hundred four (104) days and not later than noon seventy-four (74)
- 23 days before the general election at which the members are to be
- 24 elected. The petition of nomination must include the following:
- 25 (A) The name of the prospective candidate;
- 26 (B) Whether the prospective candidate is a district candidate
- 27 or an at-large candidate;
- 28 (C) A certification that the prospective candidate meets the
- 29 qualifications for candidacy imposed under this chapter;
- 30 (D) The signatures of at least one hundred (100) registered
- 31 voters residing in the school corporation. **for election shall be**
- 32 **nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**
- 33 **whichever is applicable to the particular candidate.**
- 34 (2) Each prospective candidate for a district position must:
- 35 (A) reside in the district; and
- 36 (B) have resided in the district for at least the three (3) years
- 37 immediately preceding the election.
- 38 (3) Each prospective candidate for an at-large position must:
- 39 (A) reside in the school corporation; and
- 40 (B) have resided in the school corporation for at least the three
- 41 (3) years immediately preceding the election.
- 42 (4) Each prospective candidate (regardless of whether the



1 candidate is a district candidate or an at-large candidate) must:

2 (A) be a registered voter;

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

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

6 (i) high school equivalency certificate; or

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

9 (5) A ~~prospective~~ candidate may not:

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

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

13 as prohibited by law.

14 SECTION 41. IC 20-23-15-6, AS ADDED BY P.L.1-2005,  
15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JANUARY 1, 2024]: Sec. 6. (a) The governing body of the school  
17 corporation consists of seven (7) members who shall be elected

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

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

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

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

24 **(d) Each candidate for election shall be nominated as provided**  
25 **in IC 3-8-2.5 or IC 3-8-2.7, whichever is applicable to the**  
26 **particular candidate.**

27 SECTION 42. IC 20-23-17-3, AS AMENDED BY P.L.219-2013,  
28 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JANUARY 1, 2024]: Sec. 3. (a) The governing body of the school  
30 corporation consists of five (5) members chosen as follows:

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

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

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

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

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

40 ~~(2) (1) In a general election held in the county.~~

41 ~~(3) (2) By the registered voters of the entire school corporation.~~

42 (c) The following apply to an election of members of the governing



1 body of the school corporation under subsection (a)(1):

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

7 ~~(A) The name of the candidate:~~

8 ~~(B) A certification that the candidate meets the qualifications~~  
 9 ~~for candidacy imposed by this chapter. **for election shall be**~~  
 10 ~~**nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**~~  
 11 ~~**whichever is applicable to the particular candidate.**~~

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

14 SECTION 43. IC 20-23-17.2-3.1, AS AMENDED BY  
 15 P.L.193-2021, SECTION 106, IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3.1. (a) The  
 17 governing body of the school corporation consists of five (5) members,  
 18 elected as provided in this chapter.

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

20 (1) From districts established as provided in section 4.1 of this  
 21 chapter.

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

23 ~~(2)~~ (2) At the general election held in the county in 2022 and  
 24 every four (4) years thereafter.

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

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

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

28 ~~(2)~~ (2) At the general election held in the county in 2024 and  
 29 every four (4) years thereafter.

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

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

32 (2) begins January 1 after the election of members of the  
 33 governing body.

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

37 SECTION 44. IC 20-23-17.2-5, AS AMENDED BY P.L.222-2015,  
 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JANUARY 1, 2024]: Sec. 5. (a) The following apply to an election of  
 40 members of the governing body of the school corporation under section  
 41 3.1(b) of this chapter:

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 general  
 3 election at which members are to be elected. The petition of  
 4 nomination must include the following information:

5 (A) The name of the candidate.

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

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

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

13 (E) The school corporation district that the candidate seeks to  
 14 represent. **for election shall be nominated as provided in**  
 15 **IC 3-8-2.5 or IC 3-8-2.7, whichever is applicable to the**  
 16 **particular candidate.**

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

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

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

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

36 (A) The name of the candidate.

37 (B) The candidate's residence address.

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

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

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



- 1            ~~school corporation at large. for election shall be nominated~~  
 2            ~~as provided in IC 3-8-2.5 or IC 3-8-2.7, whichever is~~  
 3            ~~applicable to the particular candidate.~~  
 4            (2) Only eligible voters residing in the school corporation may  
 5            vote for a candidate.  
 6            (3) Two (2) candidates shall be elected at large. The two (2)  
 7            candidates who receive the greatest number of votes among all  
 8            candidates running for an at-large seat are elected as members of  
 9            the governing body.
- 10          SECTION 45. IC 20-25-3-4, AS AMENDED BY P.L.169-2022,  
 11          SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12          JANUARY 1, 2024]: Sec. 4. (a) The board consists of seven (7)  
 13          members. A member:  
 14                  (1) must be elected ~~on a nonpartisan~~ basis in general elections  
 15                  held in the county as specified in this section; and  
 16                  (2) serves a four (4) year term.  
 17          (b) Five (5) members shall be elected from the school board districts  
 18          in which the members reside, and two (2) members must be elected at  
 19          large.  
 20          (c) If a candidate runs for one (1) of the district positions on the  
 21          board, only eligible voters residing in the candidate's district may vote  
 22          for that candidate. If a person is a candidate for one (1) of the at-large  
 23          positions, eligible voters from all the districts may vote for that  
 24          candidate.  
 25          (d) ~~If a candidate files to run for a position on the board, the~~  
 26          ~~candidate must specify whether the candidate is running for a district~~  
 27          ~~or an at-large position. Each candidate for election shall be~~  
 28          **nominated as provided in IC 3-8-2.5 or IC 3-8-2.7, whichever is**  
 29          **applicable to the particular candidate.**  
 30          (e) ~~A candidate who runs for a district or an at-large position wins~~  
 31          ~~if the candidate receives the greatest number of votes of all the~~  
 32          ~~candidates for the position. IC 3 governs the nomination and election~~  
 33          **of the members of the board under this section.**  
 34          (f) Districts shall be established within the school city by the board  
 35          of school commissioners. The districts must be drawn on the basis of  
 36          precinct lines, and as nearly as practicable, of equal population with the  
 37          population of the largest district not to exceed the population of the  
 38          smallest district by more than five percent (5%). District lines must not  
 39          cross precinct lines. The board of school commissioners, **with**  
 40          **assistance from the county election board**, shall establish:  
 41                  (1) balloting procedures for the election under IC 3; and  
 42                  (2) other procedures required to implement this section.



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

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

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

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

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

26 SECTION 46. IC 20-26-4-4, AS AMENDED BY P.L.193-2021,  
27 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JANUARY 1, 2024]: Sec. 4. **(a) This section does not**  
29 **apply to:**

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

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

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

42 **(c)** If a vacancy in the membership of a governing body occurs **for**



1 **any reason**, whether the vacancy was of an elected or appointed  
2 member, **the vacancy shall be filled as follows:**

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

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

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

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

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

21 **(1) must possess the qualifications provided for a regularly**  
22 **elected or appointed governing body member filling the**  
23 **office; and**

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

25 SECTION 47. IC 20-26-4-4.5, AS AMENDED BY P.L.233-2015,  
26 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JANUARY 1, 2024]: Sec. 4.5. (a) The definitions in IC 3-5-2 apply to  
28 this section.

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

35 SECTION 48. IC 33-33-53-5, AS AMENDED BY P.L.179-2011,  
36 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JANUARY 1, 2024]: Sec. 5. In accordance with rules adopted by the  
38 judges of the court under section 6 of this chapter, the presiding judge  
39 shall do the following:

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

42 (2) Annually submit to the fiscal body of Monroe County a budget





- 1 for the court, including amounts necessary for:  
2 (A) the operation of the circuit's probation department;  
3 (B) the defense of indigents; and  
4 (C) maintaining an adequate law library.  
5 (3) Make the appointments or selections required of a circuit or  
6 superior court judge under the following statutes:  
7 IC 8-4-21-2  
8 IC 11-12-2-2  
9 IC 16-22-2-4  
10 IC 16-22-2-11  
11 IC 16-22-7  
12 IC 20-23-4  
13 IC 20-23-7-6  
14 ~~IC 20-23-7-8.1~~  
15 IC 20-26-7-8  
16 IC 20-26-7-14  
17 IC 20-47-2-15  
18 IC 20-47-3-13  
19 IC 36-9  
20 IC 36-10  
21 IC 36-12-10-10.  
22 (4) Make appointments or selections required of a circuit or  
23 superior court judge by any other statute, if the appointment or  
24 selection is not required of the court because of an action before  
25 the court.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1428, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 11 through 17, begin a new paragraph and insert:

"SECTION 3. IC 3-8-1-34, AS AMENDED BY P.L.233-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 34. (a) A candidate for a school board office must have resided in the school corporation for at least one (1) year before the election.

(b) This subsection applies to a candidate for school board office seeking to represent an election district that consists of less than the entire school corporation. The candidate must have resided in the election district for at least one (1) year before the election.

**(c) A candidate for a school board office may not be an employee or agent of that school corporation.**

SECTION 4. IC 3-8-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 2. ~~A person~~ **An individual** who desires to be nominated at a primary election as a candidate of a political party subject to this chapter for a federal, state, legislative, ~~or~~ local, **or school board** office shall file a declaration of candidacy.

SECTION 5. IC 3-8-2.5-1, AS ADDED BY P.L.179-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 1. **Except as provided in IC 3-8-2.7**, this chapter applies to a candidate for a school board office.

SECTION 6. IC 3-8-2.5-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 2.7. **(a) This section applies only if IC 3-8-2.7-4 applies to the nomination and election of a school corporation's school board members.**

**(b) In addition to the information required on a candidate's petition of nomination under section 2.5 of this chapter, a candidate's petition of nomination must state either of the following:**

- (1) The candidate's political party affiliation.**
- (2) That the candidate is an independent candidate if the candidate does not identify with a political party.**

**(c) Unless the candidate's political party affiliation is challenged under section 7 of this chapter, the candidate's political party affiliation stated on the petition shall be indicated on the general**



election ballot in the manner determined by the county election board.

**(d) If a candidate claims affiliation with a major political party under subsection (b), the candidate must have voted in the two (2) most recent primary elections in Indiana held by the party with which the candidate claims affiliation. The petition of nomination form must provide a place for the candidate to affirm the candidate's primary election participation, if the candidate chooses affiliation with a major political party. If the candidate did not vote in the two (2) most recent primary elections in Indiana held by the party with which the candidate claims affiliation, the county chairman of:**

- (1) the political party with which the candidate claims affiliation; and**
- (2) the county in which the candidate resides;**

**must certify in writing that the candidate is a member of the political party for the candidate's claimed affiliation to be valid. The petition of nomination must inform candidates how political party affiliation is determined under this subsection. A certification required by a political party chairman under this subsection must be attached to the petition of nomination.**

SECTION 7. IC 3-8-2.5-7, AS ADDED BY P.L.194-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 7. (a) A person may not be selected as a candidate by petition of nomination without giving written consent and having it filed with the public official with whom certificates and petitions of nomination are required to be filed.

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

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

(d) A statement concerning the validity of a declaration of intent to be a write-in candidate for a school board office under section 4 of this chapter must be filed with the county election board in accordance with



IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of the general election. A question regarding the validity of a declaration of intent to be a write-in candidate for a school board office shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election.

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

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

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

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

**(B) the county in which the candidate resides; did not certify that the candidate is a member of the political party with which the candidate claims affiliation.**

**If the candidate produces a copy of the certification of the county chairman of the political party with which the candidate claims affiliation at the time the candidate filed the petition, the claim of a challenger under this subsection is conclusively rebutted.**

**(f) Unless a challenger shows under subsection (e) that a candidate is not affiliated with the major political party with which the candidate claims affiliation, the candidate's claimed political party affiliation shall be indicated on the ballot as required by section 2.7 of this chapter.**

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

SECTION 8. IC 3-8-2.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]:

**Chapter 2.7. Nomination and Election of School Board Candidates by Partisan Process**

**Sec. 1. This chapter applies to the nomination and election of candidates for election to a school board if either of the following apply:**

**(1) The school board adopts a resolution under section 2 of this chapter.**

**(2) The voters of the school board's school corporation approve a public question under section 3 of this chapter.**



**Sec. 2. (a)** A school board may adopt a resolution to provide that the members of the school board are nominated and elected as described in either:

- (1) section 4 of this chapter; or
- (2) section 5 of this chapter.

**(b)** A resolution adopted under this section must:

- (1) state the first year that members of the school board are to be elected as provided in this chapter; and
- (2) be adopted before January 1 of the year that the next election for school board members will be held.

**(c)** If the school board adopts a resolution under this section, the school board shall certify adoption of the resolution to the circuit court clerk of the county in which the greatest percentage of population of the school corporation resides before January 1 of the year that the next election for school board members will be held.

**Sec. 3. (a)** If the lesser of:

- (1) five hundred (500) voters residing within the school corporation; or
- (2) five percent (5%) of the registered voters residing within the school corporation;

sign a petition requesting that a public question be placed on the ballot at a general election as provided in this section, the county election board shall place the public question on the ballot as provided in this section.

**(b)** A petition under this section must indicate whether the members of the school board should be elected as provided in section 4 or 5 of this chapter. A petition satisfies the requirement of this subsection if the petition states the form of the public question under:

- (1) subsection (d) for election of members of the school board as described in section 4 of this chapter; or
- (2) subsection (e) for election of members of the school board as described in section 5 of this chapter.

**(c)** The following apply to the petition process under this section:

- (1) The following apply to an individual who circulates or signs a petition under this section:
  - (A) The individual must be a registered voter who resides in the school corporation.
  - (B) An individual who circulates a copy of the petition must be a signatory on one (1) copy of the petition.



- (C) After the individual who circulates a copy of the petition collects and files the signed petition copy, that individual must swear or affirm before a notary public that the individual witnessed each signature.
- (2) Each copy of a petition that is circulated and filed at the county voter registration office must be verified under oath at the county voter registration office by at least one (1) individual who has signed the copy.
- (3) Each copy of the petition must be filed with the county voter registration office not later than July 1 of the year that the public question requested in the petition is placed on the ballot.
- (4) The county voter registration office shall determine whether each individual who signed a copy of the petition is a registered voter who resides within the school corporation. However, after the county voter registration office has determined that at least five hundred twenty-five (525) individuals who signed the petition are registered voters within the school corporation, the county voter registration office is not required to verify whether the remaining individuals who signed the petition are registered voters.
- (5) The county voter registration office shall determine, not later than July 15, whether a sufficient number of voters who are residents of the school corporation have signed the petition under this section. If the name of an individual who signs a petition copy as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. In determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under this title to determine whether an individual is a registered voter for purposes of voting in an election. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this section.
- (6) If the county voter registration office determines that the petition is signed by a sufficient number of voters who reside in the school corporation, the county voter registration office shall certify the petition to the county election board not later



than August 1 before the next general election.

(d) If the county voter registration office certifies a petition requesting that the members of the school board be elected as described in section 4 of this chapter, the county election board shall place the following public question on the ballot at the next general election in the precincts within the school corporation:

"Shall the names of the candidates for election to the \_\_\_\_\_ (insert the name of the school corporation) school board be placed on the ballot to indicate whether each candidate is affiliated with a political party or is an independent candidate?"

(e) If the county voter registration office certifies a petition requesting that the members of the school board be elected as described in section 5 of this chapter, the county election board shall place the following public question on the ballot at the next general election in the precincts within the school corporation:

"Shall candidates for election to the \_\_\_\_\_ (insert the name of the school corporation) school board be nominated in the same fashion as candidates for partisan offices and shall the general election ballot for election of members of the school board indicate the political party with which each candidate is affiliated, if any?"

(f) The circuit court clerk shall certify the results of the vote on the public question under subsection (d) or (e) to the county election board.

(g) If a majority of the voters voting on the public question vote "yes", the election of the school corporation's school board members shall be subject to either the procedures of section 4 or 5 of this chapter, whichever was approved by the voters, beginning with the next election of the school corporation's school board members.

Sec. 4. (a) This section applies if:

- (1) a resolution is adopted under section 2(a)(1) of this chapter; or
- (2) a public question described in section 3(d) of this chapter is approved under section 3 of this chapter.

(b) Candidates for election to the governing body shall be:

- (1) nominated as provided in IC 3-8-2.5; and
- (2) elected at the general election and designated on the general election ballot as either being:
  - (A) affiliated with a political party; or
  - (B) an independent candidate.



**Sec. 5. (a) This section applies if:**

- (1) a resolution is adopted under section 2(a)(2) of this chapter; or
- (2) a public question described in section 3(e) of this chapter is approved under section 3 of this chapter.

(b) IC 3-8-2.5 does not apply to the nomination or election of members of the school corporation's school board.

**(c) Candidates for election to the school board shall be:**

- (1) nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is applicable to each candidate; and
- (2) placed on the ballot so that the political affiliation of each candidate is indicated in the same manner as candidates for partisan local offices are indicated.

SECTION 9. IC 3-8-6-1, AS AMENDED BY P.L.194-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 1. (a) This chapter applies to a candidate for nomination to an elected office who:

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

**(b) This chapter:**

- (1) applies to a candidate for a school board office of a school corporation if IC 3-8-2.7 applies to the nomination and election of the candidates for the school corporation's school board offices; and
- (2) does not apply to a candidate for a school board office of a school corporation if IC 3-8-2.7 does not apply to the nomination of the candidates for the school corporation's school board offices.

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

- (1) July 15 before a general or municipal election.
- (2) August 1 before a municipal election in a town subject to IC 3-8-5-10.
- (3) On the date specified for town convention nominees under IC 3-8-5-14.5.
- (4) On the date specified for declared write-in candidates under





IC 3-8-2-2.7.

(5) On the date specified for a school board candidate under IC 3-8-2.5-4, **even if IC 3-8-2.7 applies to a school corporation's candidates for election to its school board.** ~~or~~

(6) Forty-five (45) days before a special election.

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

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

Delete pages 2 through 3.

Page 4, delete lines 1 through 40.

Page 5, line 38, delete "." and insert ", **if the school board offices are subject to IC 3-8-2.7-5.**"

Page 6, line 16, delete "school board office," and insert "school board office **subject to IC 3-8-2.5 or IC 3-8-2.7-5.**"

Page 9, line 13, delete "." and insert ", **if the school board offices are subject to IC 3-8-2.7-5.**"

Page 12, line 36, reset in roman "school board".

Page 13, line 26, reset in roman "school board".

Page 25, line 7, after "IC 3-13-11." insert "**For purposes of IC 3-13-11, an individual elected as provided under IC 3-8-2.7-4 who is designated as being affiliated with a major political party is considered to have been elected or selected as a candidate of that major political party.**"

Page 25, line 32, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7.**"

Page 31, line 12, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7.**"

Page 34, line 4, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7.**"

Page 34, line 25, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7.**"

Page 35, line 13, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7.**"

Page 36, line 24, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7.**"



Page 37, line 17, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7**,".

Page 38, line 2, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7**,".

Page 39, line 7, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7**,".

Page 39, line 36, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7**,".

Page 40, line 20, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5 or IC 3-8-2.7**,".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1428 as introduced.)

WESCO

Committee Vote: yeas 6, nays 4.

