



Reprinted
February 15, 2023

HOUSE BILL No. 1428

DIGEST OF HB 1428 (Updated February 14, 2023 3:31 pm - DI 75)

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. Establishes a process for a school board or the voters in a school corporation to change the method by which the members of the school board are nominated and elected. Provides that the members of a school board may be nominated and elected by one of the following processes: (1) Through nonpartisan election (as is the case under current law). (2) Through nonpartisan nomination (under the current process) and designation of a candidate's political affiliation or independent status on the general election ballot. (3) Through nomination and election in a partisan process as other candidates for elected office are nominated and elected. Provides that a school board may adopt a resolution to initiate a change or the voters of the school corporation may initiate a change through petition. Provides that, in either case, the voters of the school corporation must approve any change by public question. Provides that the method of election of members of a school board may not be changed until after 10 years after the most recent change was made. Makes conforming changes.

Effective: January 1, 2024.

Prescott, Davis, Lucas, Morrison

January 17, 2023, read first time and referred to Committee on Elections and Apportionment.
February 9, 2023, amended, reported — Do Pass.
February 14, 2023, read second time, amended, ordered engrossed.

HB 1428—LS 6232/DI 144



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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

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 ~~fiscal~~ **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 3-8-2.7-8 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 one (1) of the**
22 **following:**

23 **(1) The name of the major political party with which the**
24 **candidate is affiliated.**

25 **(2) The name of a political party other than a major political**
26 **party with which the candidate is affiliated.**

27 **(3) That the candidate is an independent candidate if the**
28 **candidate does not identify with a political party.**

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

34 **(d) A candidate may not claim affiliation with a major political**
35 **party under subsection (b) unless the two (2) most recent primary**
36 **elections in which the candidate voted were primary elections in**
37 **Indiana held by the party with which the candidate claims**
38 **affiliation. The petition of nomination form must provide a place**
39 **for the candidate to affirm the candidate's primary election**
40 **participation, if the candidate claims affiliation with a major**
41 **political party. If the two (2) most recent primary elections in**
42 **which the candidate voted were not held by the political party with**



1 **which the candidate claims affiliation, the county chairman of:**

2 **(1) the political party with which the candidate claims**
3 **affiliation; and**

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

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

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

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

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

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

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

41 **(1) The candidate did not vote in the two (2) most recent**
42 **primary elections in Indiana held by the political party with**



1 which the candidate claims affiliation.

2 (2) The county chairman of:

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

5 (B) the county in which the candidate resides;

6 did not certify that the candidate is a member of the political
7 party with which the candidate claims affiliation.

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

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

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

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

23 **Chapter 2.7. Changing the Nomination and Election Process of**
24 **School Board Candidates**

25 **Sec. 1. The procedure for nomination and election of the**
26 **members of a school board may be changed as provided in this**
27 **chapter.**

28 **Sec. 2. (a) A school board may adopt a resolution to propose**
29 **that the members of the school board are nominated and elected:**

30 (1) at nonpartisan elections as provided in IC 3-8-2.5; or

31 (2) as described in either:

32 (A) section 8 of this chapter; or

33 (B) section 9 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 and certified to the circuit court clerk before
38 July 1 of the year that a general election 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 as provided in



- 1 subsection (b).
 2 **Sec. 3. (a) If the lesser of:**
 3 (1) five hundred (500) voters residing within the school
 4 corporation; or
 5 (2) five percent (5%) of the registered voters residing within
 6 the school corporation;
 7 sign a petition requesting that a public question be placed on the
 8 ballot at a general election as provided in this section, the county
 9 election board shall place the public question on the ballot as
 10 provided in this section.
 11 (b) A petition under this section must indicate whether the
 12 members of the school board should be nominated and elected:
 13 (1) at a nonpartisan election as provided in IC 3-8-2.5; or
 14 (2) as described in either:
 15 (A) section 8 of this chapter; or
 16 (B) section 9 of this chapter.
 17 (c) A petition satisfies the requirement of subsection (b) if the
 18 petition states the form of the public question under any of the
 19 following:
 20 (1) Section 4 of this chapter for the election of members of the
 21 school board at a nonpartisan election as provided in
 22 IC 3-8-2.5.
 23 (2) Section 5 of this chapter for election of members of the
 24 school board as described in section 8 of this chapter.
 25 (3) Section 6 of this chapter for election of members of the
 26 school board as described in section 9 of this chapter.
 27 (d) The following apply to the petition process under this
 28 section:
 29 (1) The following apply to an individual who circulates or
 30 signs a petition under this section:
 31 (A) The individual must be a registered voter who resides
 32 in the school corporation.
 33 (B) An individual who circulates a copy of the petition
 34 must be a signatory on one (1) copy of the petition.
 35 (C) After the individual who circulates a copy of the
 36 petition collects and files the signed petition copy, that
 37 individual must swear or affirm before a notary public
 38 that the individual witnessed each signature.
 39 (2) Each copy of a petition that is circulated and filed at the
 40 county voter registration office must be verified under oath at
 41 the county voter registration office by at least one (1)
 42 individual who has signed the copy.



- 1 (3) Each copy of the petition must be filed with the county
2 voter registration office not later than July 1 of the year that
3 the public question requested in the petition is placed on the
4 ballot.
- 5 (4) The county voter registration office shall determine
6 whether each individual who signed a copy of the petition is
7 a registered voter who resides within the school corporation.
8 However, after the county voter registration office has
9 determined that at least five hundred twenty-five (525)
10 individuals who signed the petition are registered voters
11 within the school corporation, the county voter registration
12 office is not required to verify whether the remaining
13 individuals who signed the petition are registered voters.
- 14 (5) The county voter registration office shall determine, not
15 later than July 15, whether a sufficient number of voters who
16 are residents of the school corporation have signed the
17 petition under this section. If the name of an individual who
18 signs a petition copy as a registered voter contains a minor
19 variation from the name of the registered voter as set forth in
20 the records of the county voter registration office, the
21 signature is presumed to be valid, and there is a presumption
22 that the individual is entitled to sign the petition under this
23 section. In determining whether an individual is a registered
24 voter, the county voter registration office shall apply the
25 requirements and procedures used under this title to
26 determine whether an individual is a registered voter for
27 purposes of voting in an election. However, an individual is
28 not required to comply with the provisions concerning
29 providing proof of identification to be considered a registered
30 voter for purposes of this section.
- 31 (6) If the county voter registration office determines that the
32 petition is signed by a sufficient number of voters who reside
33 in the school corporation, the county voter registration office
34 shall certify the petition to the county election board not later
35 than August 1 before the next general election.
- 36 **Sec. 4. (a) This section applies if:**
- 37 (1) a school board certifies a resolution adopted by the school
38 board to the circuit court clerk as provided in section 2 of this
39 chapter; or
- 40 (2) a petition is certified under section 3 of this chapter;
41 proposing that members of the school board be nominated and
42 elected at nonpartisan elections as provided in IC 3-8-2.5.



1 (b) The county election board shall place the following public
2 question on the ballot at the next general election in the precincts
3 within the school corporation:

4 "Shall candidates for election to the _____
5 (insert the name of the school corporation) school board be
6 nominated and elected at nonpartisan elections?".

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

8 (1) a school board certifies a resolution adopted by the school
9 board to the circuit court clerk as provided in section 2 of this
10 chapter; or

11 (2) a petition is certified under section 3 of this chapter;
12 proposing that members of the school board be elected as provided
13 in section 8 of this chapter.

14 (b) The county election board shall place the following public
15 question on the ballot at the next general election in the precincts
16 within the school corporation:

17 "Shall the names of the candidates for election to the
18 _____ (insert the name of the school
19 corporation) school board be placed on the ballot to indicate
20 whether each candidate is affiliated with a political party or
21 is an independent candidate?".

22 Sec. 6. (a) This section applies if:

23 (1) a school board certifies a resolution adopted by the school
24 board to the circuit court clerk as provided in section 2 of this
25 chapter; or

26 (2) a petition is certified under section 3 of this chapter;
27 proposing that members of the school board be elected as provided
28 in section 9 of this chapter.

29 (b) The county election board shall place the following public
30 question on the ballot at the next general election in the precincts
31 within the school corporation:

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

38 Sec. 7. (a) The circuit court clerk shall certify the results of the
39 vote on a public question under this chapter to the county election
40 board.

41 (b) If a majority of the voters voting on the public question vote
42 "yes", the school corporation's school board members shall be



1 nominated and elected, beginning with the next election of the
2 school corporation's school board members, as follows:

3 (1) At nonpartisan elections as provided in IC 3-8-2.5 if the
4 voters approve the public question under section 4 of this
5 chapter.

6 (2) As provided in section 8 of this chapter if the voters
7 approve the public question under section 5 of this chapter.

8 (3) As provided in section 9 of this chapter, if the voters
9 approve the public question under section 6 of this chapter.

10 Sec. 8. (a) This section applies if the voters approve the public
11 question under section 5 of this chapter.

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

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

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

16 (A) affiliated with a political party; or

17 (B) an independent candidate.

18 Sec. 9. (a) This section applies if the voters approve the public
19 question under section 6 of this chapter.

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

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

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

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

28 Sec. 10. A public question under this chapter may not be placed
29 on the ballot before ten (10) years after a previous public question
30 under this chapter has been submitted to the voters.

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

35 (1) is an independent candidate; or

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

38 (b) This chapter:

39 (1) applies to a candidate for a school board office of a school
40 corporation if IC 3-8-2.7-8 or IC 3-8-2.7-9 applies to the
41 nomination and election of the candidates for the school
42 corporation's school board offices; and



1 **(2) does not apply to a candidate for a school board office of a**
 2 **school corporation if IC 3-8-2.7-8 and IC 3-8-2.7-9 do not**
 3 **apply to the nomination of the candidates for the school**
 4 **corporation's school board offices.**

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

12 (1) July 15 before a general or municipal election.

13 (2) August 1 before a municipal election in a town subject to
 14 IC 3-8-5-10.

15 (3) On the date specified for town convention nominees under
 16 IC 3-8-5-14.5.

17 (4) On the date specified for declared write-in candidates under
 18 IC 3-8-2-2.7.

19 (5) On the date specified for a school board candidate under
 20 IC 3-8-2.5-4, **even if IC 3-8-2.7-8 or IC 3-8-2.7-9 applies to a**
 21 **school corporation's candidates for election to its school**
 22 **board. or**

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

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

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

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

38 (1) With the individual's:

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

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



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

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

- 26 (1) United States Senator.
- 27 (2) Governor.
- 28 (3) United States Representative.
- 29 (4) Legislative offices.
- 30 (5) Local offices.
- 31 **(6) School board offices, if the school board offices are subject**
- 32 **to IC 3-8-2.7-9.**

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

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

42 SECTION 13. IC 3-10-1-18, AS AMENDED BY THE



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

7 (b) This subsection applies to a county having a population of more
 8 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
 9 thousand (700,000). The names of all candidates for each office who
 10 have qualified under IC 3-8, except for a school board office **subject**
 11 **to IC 3-8-2.5 or IC 3-8-2.7-9**, precinct committeeman or state
 12 convention delegate, shall be arranged in random order by surnames
 13 under the designation of the office. The random order shall be
 14 determined using a lottery. The lottery held in accordance with this
 15 subsection shall be conducted in public by the county election board.
 16 The lottery shall be held not later than fifteen (15) days following the
 17 last day for a declaration of candidacy under IC 3-8-2-4. All candidates
 18 whose names are to be arranged by way of the lottery shall be notified
 19 at least five (5) days prior to the lottery of the time and place at which
 20 the lottery is to be held. Each candidate may have one (1) designated
 21 watcher, and each county political party may have one (1) designated
 22 watcher who shall be allowed to observe the lottery procedure.

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

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

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



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

3 "OFFICIAL PRIMARY BALLOT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (The explanatory text for the public question,
41 if required by law.)

42 "Shall (insert public question)?"



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



- 1 (C) Judge of the city court.
- 2 (D) City-county council member or common council member.
- 3 (7) Town offices:
- 4 (A) Clerk-treasurer.
- 5 (B) Judge of the town court.
- 6 (C) Town council member.
- 7 **(8) School board offices, if the school board offices are subject**
- 8 **to IC 3-8-2.7-9.**
- 9 (h) The political party offices with candidates for election shall be
- 10 placed on the primary election ballot in the following order after the
- 11 offices described in subsection (g):
- 12 (1) Precinct committeeman.
- 13 (2) State convention delegate.
- 14 (i) The local offices to be elected at the primary election shall be
- 15 placed on the primary election ballot after the offices described in
- 16 subsection (h).
- 17 (j) The offices described in subsection (i) shall be placed as follows:
- 18 (1) In a separate column on the ballot if voting is by paper ballot.
- 19 (2) After the offices described in subsection (h) in the form
- 20 specified in IC 3-11-13-11 if voting is by ballot card.
- 21 (3) Either:
- 22 (A) on a separate screen for each office or public question; or
- 23 (B) after the offices described in subsection (h) in the form
- 24 specified in IC 3-11-14-3.5;
- 25 if voting is by an electronic voting system.
- 26 SECTION 15. IC 3-10-8-1, AS AMENDED BY P.L.219-2013,
- 27 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JANUARY 1, 2024]: Sec. 1. A special election shall be held in the
- 29 following cases:
- 30 (1) Whenever two (2) or more candidates for a federal, state,
- 31 legislative, ~~or circuit or school board~~ office receive the ~~highest~~
- 32 **greatest** and an equal number of votes for the office, except as
- 33 provided in Article 5, Section 5 of the Constitution of the State of
- 34 Indiana. ~~or in IC 20.~~
- 35 (2) Whenever a vacancy occurs in the office of United States
- 36 Senator, as provided in IC 3-13-3-1.
- 37 (3) Whenever a vacancy occurs in the office of United States
- 38 Representative unless the vacancy occurs less than seventy-four
- 39 (74) days before a general election.
- 40 (4) Whenever a vacancy occurs in any local office the filling of
- 41 which is not otherwise provided by law.
- 42 (5) Whenever required by law for a public question.



1 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
2 recount commission under IC 3-12-11-18.
3 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
4 legislative office unless the vacancy occurs less than seventy-four
5 (74) days before a general election.
6 SECTION 16. IC 3-11-2-10, AS AMENDED BY P.L.32-2021,
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2024]: Sec. 10. (a) Public questions shall be placed on
9 the general election ballot in the following order after the statement
10 described in section 7 of this chapter, and the instructions described in
11 subsections (d) and (e) and section 8 of this chapter, if instructions are
12 printed on the ballot:
13 (1) Ratification of a state constitutional amendment.
14 (2) Local public questions.
15 Subject to section 10.1 of this chapter, each public question shall be
16 placed in a separate column on the ballot.
17 (b) The name or title of the political party or independent ticket
18 described in section 6 of this chapter shall be placed on the general
19 election ballot after the public questions described in subsection (a).
20 The device of the political party or independent ticket shall be placed
21 immediately under the name of the political party or independent ticket.
22 Notwithstanding section 8(b) of this chapter, the instructions for voting
23 a straight party ticket shall be placed to the right of the device on the
24 ballot.
25 (c) The instructions for voting a straight party ticket must conform
26 as nearly as possible to the following:
27 "(1) You are not required to vote a straight party ticket. If you do
28 not wish to vote a straight party ticket, do not make a mark in this
29 section, and proceed to voting the ballot by office.
30 (2) To vote a straight (insert political party name) ticket for all
31 (insert political party name) candidates on this ballot, except for
32 candidates described in (3) below, make a voting mark on or in
33 this circle and do not make any other marks on this ballot.
34 (3) To vote for any candidate for an at-large office (insert county
35 council, city common council, town council, or township board if
36 those offices appear on this ballot) to which more than one (1)
37 person may be elected, you must make another voting mark for
38 each candidate you wish to vote for. Your straight party vote will
39 not count as a vote for any candidate for that office.
40 **(4) If you wish to vote for a candidate for a school board**
41 **office, you must make a voting mark on the appropriate place**
42 **on this ballot for each candidate for whom you wish to vote.**



- 1 **Your straight party vote will not count as a vote for any**
 2 **candidate for that office.**
 3 ~~(4)~~ (5) If you wish to vote for a candidate seeking a nonpartisan
 4 office or on a public question, you must make another voting
 5 mark on the appropriate place on this ballot."
 6 (d) Except as permitted under section 8(b) of this chapter, if the
 7 ballot contains an independent ticket described in section 6 of this
 8 chapter and at least one (1) other independent candidate, the ballot
 9 must also contain a statement that reads substantially as follows: "A
 10 vote cast for an independent ticket will only be counted for the
 11 candidates for President and Vice President or governor and lieutenant
 12 governor comprising that independent ticket. This vote will NOT be
 13 counted for any OTHER independent candidate appearing on the
 14 ballot."
 15 (e) Except as permitted under section 8(b) of this chapter, the ballot
 16 must also contain a statement that reads substantially as follows: "A
 17 write-in vote will NOT be counted unless the vote is for a DECLARED
 18 write-in candidate. To vote for a write-in candidate, you must make a
 19 voting mark on or in the square to the left of the name you have written
 20 in or your vote will not be counted."
 21 (f) Subject to section 10.1 of this chapter, the list of candidates of
 22 the political party shall be placed immediately under the instructions
 23 for voting a straight party ticket. The names of the candidates shall be
 24 placed three-fourths (3/4) of an inch apart from center to center of the
 25 name. The name of each candidate must have, immediately on its left,
 26 a square three-eighths (3/8) of an inch on each side.
 27 (g) The circuit court clerk may authorize the printing of ballots
 28 containing a ballot variation code to ensure that the proper version of
 29 a ballot is used within a precinct.
 30 SECTION 17. IC 3-11-2-12, AS AMENDED BY P.L.109-2021,
 31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JANUARY 1, 2024]: Sec. 12. The following offices shall be placed on
 33 the general election ballot in the following order after the public
 34 questions described in section 10(a) of this chapter:
 35 (1) Federal and state offices:
 36 (A) President and Vice President of the United States.
 37 (B) United States Senator.
 38 (C) Governor and lieutenant governor.
 39 (D) Secretary of state.
 40 (E) Auditor of state.
 41 (F) Treasurer of state.
 42 (G) Attorney general.



- 1 (H) United States Representative.
- 2 (2) Legislative offices:
- 3 (A) State senator.
- 4 (B) State representative.
- 5 (3) Circuit offices and county judicial offices:
- 6 (A) Judge of the circuit court, and unless otherwise specified
- 7 under IC 33, with each division separate if there is more than
- 8 one (1) judge of the circuit court.
- 9 (B) Judge of the superior court, and unless otherwise specified
- 10 under IC 33, with each division separate if there is more than
- 11 one (1) judge of the superior court.
- 12 (C) Judge of the probate court.
- 13 (D) Prosecuting attorney.
- 14 (E) Clerk of the circuit court.
- 15 (4) County offices:
- 16 (A) County auditor.
- 17 (B) County recorder.
- 18 (C) County treasurer.
- 19 (D) County sheriff.
- 20 (E) County coroner.
- 21 (F) County surveyor.
- 22 (G) County assessor.
- 23 (H) County commissioner.
- 24 (I) County council member.
- 25 (5) Township offices:
- 26 (A) Township assessor (only in a township referred to in
- 27 IC 36-6-5-1(d)).
- 28 (B) Township trustee.
- 29 (C) Township board member.
- 30 (D) Judge of the small claims court.
- 31 (E) Constable of the small claims court.
- 32 (6) City offices:
- 33 (A) Mayor.
- 34 (B) Clerk or clerk-treasurer.
- 35 (C) Judge of the city court.
- 36 (D) City-county council member or common council member.
- 37 (7) Town offices:
- 38 (A) Clerk-treasurer.
- 39 (B) Judge of the town court.
- 40 (C) Town council member.
- 41 **(8) School board offices.**
- 42 SECTION 18. IC 3-11-2-12.4, AS AMENDED BY P.L.109-2021,



1 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2024]: Sec. 12.4. (a) This section applies whenever more
3 than one (1) candidate may be elected to an office.

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

7 (c) Whenever candidates are to be elected to a county council, city
8 common council, or town council that includes both an at-large
9 member and a member representing a district, the candidates seeking
10 election as an at-large member shall be placed on the ballot before
11 candidates seeking to represent a district.

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

17 SECTION 19. IC 3-11-2-12.9 IS REPEALED [EFFECTIVE
18 JANUARY 1, 2024]. ~~Sec. 12.9: (a) School board offices to be elected~~
19 ~~at the general election shall be placed on the general election ballot~~
20 ~~after the offices described in section 12.4 of this chapter with each~~
21 ~~candidate for the office designated as "nonpartisan".~~

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

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

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

- 35 (1) Retention of a justice of the supreme court.
- 36 (2) Retention of a judge of the court of appeals.
- 37 (3) Retention of the judge of the tax court.

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

42 (c) Whenever more than one (1) judge of the court of appeals is



1 subject to retention, the name of each judge must appear on the ballot
 2 in alphabetical order. However, if the judge serving as chief judge is
 3 subject to retention, the chief judge's name must appear first.

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

5 SECTION 21. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,
 6 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2024]: Sec. 4. (a) Except as provided in subsection (b),
 8 a ballot card voting system must permit a voter to vote:

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

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

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

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

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

23 (1) county council;

24 (2) city common council;

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

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

27 **(5) school board;**

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

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

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

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

37 SECTION 22. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
 38 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JANUARY 1, 2024]: Sec. 10. (a) Except as provided in subsection (b),
 40 an electronic voting system must permit a voter to vote:

41 (1) except at a primary election, a straight party ticket for all the
 42 candidates of one (1) political party by touching the device of that



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



1 quality and color of paper (except as permitted under IC 3-10-1-17).

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

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

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

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

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

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

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

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

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

41 (4) If a political party did not have a candidate for secretary of
42 state in the last election or a nominee is an independent candidate



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



- 1 ballot before the first public question is listed:
- 2 (1) The cautionary statement described in IC 3-11-2-7.
- 3 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
- 4 and IC 3-11-2-10(e).
- 5 ~~(h)~~ **(k)** The ballot must include a single connectable arrow, circle,
- 6 oval, or square, or a voting position for voting a straight party or an
- 7 independent ticket (described in IC 3-11-2-6) by one (1) mark as
- 8 required by section 14 of this chapter, and the single connectable
- 9 arrow, circle, oval, or square, or the voting position for casting a
- 10 straight party or an independent ticket ballot must be identified by:
- 11 (1) the name of the political party or independent ticket
- 12 (described in IC 3-11-2-6); and
- 13 (2) immediately below or beside the political party's or
- 14 independent ticket's name, the device of that party or ticket
- 15 (described in IC 3-11-2-5).
- 16 The name and device of each political party or independent ticket must
- 17 be of uniform size and type and arranged in the order established by
- 18 subsection (g) for listing candidates under each office. The instructions
- 19 described in IC 3-11-2-10(c) for voting a straight party ticket and the
- 20 statement concerning presidential electors required under IC 3-10-4-3
- 21 must be placed on the ballot label. The instructions for voting a straight
- 22 party ticket must include the statement: "If you do not wish to vote a
- 23 straight party ticket, do not make a mark in this section and proceed to
- 24 voting the ballot by office."
- 25 ~~(m)~~ **(l)** A public question must be in the form described in
- 26 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable
- 27 arrow, a circle, or an oval may be used instead of a square. Except as
- 28 expressly authorized or required by statute, a county election board
- 29 may not print a ballot card that contains language concerning the public
- 30 question other than the language authorized by a statute.
- 31 ~~(n)~~ **(m)** The requirements in this section:
- 32 (1) do not replace; and
- 33 (2) are in addition to;
- 34 any other requirements in this title that apply to optical scan ballots.
- 35 ~~(o)~~ **(n)** The procedure described in IC 3-11-2-16 must be used when
- 36 a ballot does not comply with the requirements imposed by this title or
- 37 contains another error or omission that might result in confusion or
- 38 mistakes by voters.
- 39 ~~(p)~~ **(o)** This subsection applies to an optical scan ballot that does not
- 40 list:
- 41 (1) the names of political parties or candidates; or
- 42 (2) the text of public questions;



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

4 SECTION 24. IC 3-11-14-3.5, AS AMENDED BY P.L.193-2021,
 5 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2024]: Sec. 3.5. (a) Each county election board shall
 7 have the names of all candidates for all elected offices, political party
 8 offices, and public questions printed on ballot labels for use in an
 9 electronic voting system as provided in this chapter.

10 (b) The county may:

11 (1) print all offices and public questions on a single ballot label;
 12 and

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

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

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

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

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

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

39 (2) "Vote for not more than (insert the number of candidates to be
 40 elected) candidate(s) for this office. To vote for any candidate for
 41 this office, you must make a voting mark for each candidate you
 42 wish to vote for. A straight party vote will not count as a vote for



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



1 at-large seats on the fiscal or legislative body of a political subdivision
2 must be grouped together:

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

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

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

- 13 ~~(1)~~ under the name of the office that the candidates are seeking;
14 and

- 15 ~~(2)~~ in alphabetical order according to surname.

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

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

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

- 25 (1) placed on the ballot label; or
26 (2) posted in a location within the voting booth that permits the
27 voter to easily read the instructions.

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

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

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



1 party ticket, press "NEXT" (or replace "NEXT" with the term used by
 2 that voting system to permit a voter to skip a ballot screen) to continue
 3 voting."

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

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

11 (1) do not replace; and

12 (2) are in addition to;

13 any other requirements in this title that apply to ballots for electronic
 14 voting systems.

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

19 SECTION 25. IC 3-11-14-12 IS REPEALED [EFFECTIVE
 20 JANUARY 1, 2024]. ~~Sec. 12: In school district elections, the county
 21 election board shall arrange the names of candidates in alphabetical
 22 order on an electronic voting system as required by section 3.5 of this
 23 chapter.~~

24 SECTION 26. IC 3-12-1-5, AS AMENDED BY P.L.278-2019,
 25 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) This subsection does not
 27 apply to a ballot card voting system or an electronic voting system.
 28 Except as provided in subsection (d), a voting mark made by a voter on
 29 or in a voting square at the left of a candidate's name or political party's
 30 name shall be counted as a vote for the candidate or candidates of the
 31 political party.

32 (b) This subsection applies to a ballot card voting system. A voting
 33 mark made by a voter:

34 (1) on or in a circle, oval, or square; or

35 (2) to connect a connectable arrow;

36 immediately below or beside a candidate's name or political party's
 37 name shall be counted as a vote for the candidate or candidates of the
 38 political party, except as provided in subsection (d).

39 (c) This subsection applies to a direct record electronic voting
 40 system. A voting mark made by a voter touching a touch sensitive point
 41 or button below or beside a candidate's name or political party's name
 42 shall be counted as a vote for the candidate or candidates of the



1 political party, except as provided in subsection (d).

2 (d) A voter who wishes to cast a ballot for a candidate for election
3 to an at-large district to which more than one (1) person may be elected
4 on a:

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

9 must make a voting mark for each individual candidate for whom the
10 voter wishes to cast a vote. A straight ticket voting mark on a paper
11 ballot, ballot card voting system, or electronic voting system shall not
12 be counted as a straight party ticket voting mark as a vote for any
13 candidate for an office described by this subsection.

14 **(e) A voter who wishes to cast a ballot for a candidate for**
15 **election to a school board office must make a voting mark for each**
16 **individual candidate for whom the voter wishes to cast a vote. A**
17 **straight ticket voting mark on a paper ballot, ballot card voting**
18 **system, or electronic voting system shall not be counted as a**
19 **straight party ticket voting mark as a vote for any candidate for an**
20 **office described by this subsection.**

21 SECTION 27. IC 3-12-1-8, AS AMENDED BY P.L.278-2019,
22 SECTION 138, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JANUARY 1, 2024]: Sec. 8. (a) Except as provided in
24 ~~subsection~~ **subsections (b) and (c)**, a voting mark made by a voter on
25 or in a circle containing a political party device shall be counted as a
26 vote for each candidate of that political party on that ballot.

27 (b) A voter who wishes to cast a ballot for a candidate for election
28 to an at-large district to which more than one (1) person may be elected
29 on a:

- 30 (1) county council;
31 (2) city common council;
32 (3) town council; or
33 (4) township board;

34 must make a voting mark for each individual candidate for whom the
35 voter wishes to cast a vote. A voting mark on or in a circle containing
36 a political party device shall not be counted as a straight party ticket
37 voting mark as a vote for any candidate for an office described by this
38 subsection.

39 **(c) A voter who wishes to cast a ballot for a candidate for**
40 **election to a school board office must make a voting mark for each**
41 **individual candidate for whom the voter wishes to cast a vote. A**
42 **straight ticket voting mark on a paper ballot, ballot card voting**



1 **system, or electronic voting system shall not be counted as a**
 2 **straight party ticket voting mark as a vote for any candidate for an**
 3 **office described by this subsection.**

4 SECTION 28. IC 3-12-9-3, AS AMENDED BY P.L.230-2005,
 5 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2024]: Sec. 3. Whenever a circuit court clerk receives
 7 certification that a tie vote at an election for a local office or a school
 8 board office occurred, the clerk shall immediately send a written notice
 9 of the tie vote to **the following:**

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

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

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

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

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

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

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

38 ~~(d)~~ (e) The executive of the political subdivision (other than a town
 39 or a school corporation) may cast the deciding vote to break a tie vote
 40 in a fiscal body acting under this section. The clerk-treasurer of the
 41 town may cast the deciding vote to break a tie vote in a town fiscal
 42 body acting under this section. ~~A tie vote in the fiscal body of a school~~



1 corporation under this section shall be broken under IC 20-23.

2 SECTION 30. IC 3-12-9-5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. Whenever a tie
4 vote at an election for:

- 5 (1) a state office; or
6 (2) a local office; or
7 ~~(3) a school board office;~~

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

11 SECTION 31. IC 3-13-10.5 IS ADDED TO THE INDIANA CODE
12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2024]:

14 **Chapter 10.5. School Corporation Governing Body; Resolving**
15 **Tie Votes; Filling Vacancies**

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

- 18 (1) The governing body of a school corporation.
19 (2) The school advisory body of a school corporation.

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

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

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

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

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

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

42 **Sec. 3. (a) A vacancy on the governing body in an office that was**



1 last held by an individual elected or selected as a candidate of a
 2 major political party of Indiana shall be filled by a caucus under
 3 IC 3-13-11. For purposes of IC 3-13-11, an individual elected as
 4 provided under IC 3-8-2.7-8 who is designated as being affiliated
 5 with a major political party is considered to have been elected or
 6 selected as a candidate of that major political party.

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

11 SECTION 32. IC 20-23-4-29.1, AS ADDED BY P.L.179-2011,
 12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2024]: Sec. 29.1. (a) This section applies to each school
 14 corporation.

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

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

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

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

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

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

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

42 (d) If the plan provides that the members of the governing body



1 shall be elected by all the voters of the community school corporation;
 2 candidates shall be placed on the ballot in the form prescribed by
 3 IC 3-11-2; without party designation. The candidates who receive the
 4 most votes are elected.

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

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

27 SECTION 33. IC 20-23-4-30, AS AMENDED BY P.L.193-2021,
 28 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JANUARY 1, 2024]: Sec. 30. (a) This section applies to
 30 each school corporation.

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

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

40 (d) If there is a vacancy on the governing body, whether the
 41 vacating member was elected or appointed, ~~the remaining members of~~
 42 ~~the governing body, whether or not a majority of the governing body;~~



1 shall by a majority vote fill the vacancy by appointing a person from
 2 within the boundaries of the community school corporation to serve for
 3 the term or balance of the term. An individual appointed under this
 4 subsection must possess the qualifications provided for a regularly
 5 elected or appointed governing body member filling the office. If:

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

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

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

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

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

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

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

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

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

37 SECTION 34. IC 20-23-4-35, AS AMENDED BY P.L.169-2022,
 38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JANUARY 1, 2024]: Sec. 35. (a) The governing body of a school
 40 corporation may be organized under this section.

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



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



1 under subsections (f) and (g), amended under subsection (e), or
2 recertified under section 35.5 of this chapter to:

3 (1) the state board; and

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

6 (i) The governing body shall designate:

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

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

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

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

21 SECTION 35. IC 20-23-4-44, AS AMENDED BY P.L.104-2022,
22 SECTION 120, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JANUARY 1, 2024]: Sec. 44. (a) This section applies
24 only to a school corporation with territory in a county having a
25 population of more than one hundred eighty-five thousand (185,000)
26 and less than two hundred thousand (200,000).

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

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

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

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

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

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

39 (2) fill the vacancy by appointing an individual to fill the vacancy:

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

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



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

3 (2) shall fill the remainder of the unexpired term of the vacating
4 member.

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

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

16 SECTION 36. IC 20-23-7-8.1, AS AMENDED BY P.L.219-2013,
17 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JANUARY 1, 2024]: Sec. 8.1. (a) The registered voters of the
19 metropolitan school district shall elect the members of the metropolitan
20 board of education at general elections held biennially, beginning with
21 the next general election that is held more than sixty (60) days after the
22 creation of the metropolitan school district as provided in this chapter.

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

28 (c) Nominees for the board shall be listed on the general election
29 ballot:

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

31 (2) by board member districts; and

32 (3) without party designation.

33 The ballot must state the number of board members to be voted on and
34 the maximum number of members that may be elected from each board
35 member district as provided under section 5 of this chapter. A ballot
36 that contains more votes than the maximum number allowed from a
37 board member district is invalid.

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

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



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

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

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

8 (3) the other candidates from the board member district are
 9 eliminated.

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

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

18 (h) (d) If, at any time after the first board member election, a
 19 vacancy on the board that occurs for any reason including an
 20 insufficient number of petitions for candidates being filed; and
 21 regardless of whether the vacating member was elected or appointed;
 22 the remaining members of the board; whether or not a majority of the
 23 board; shall by a majority vote fill the vacancy by:

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

26 (2) if the person was appointed; appointing a person from the
 27 board member district from which the last elected predecessor of
 28 the person was elected:

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

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

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

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

39 a successor to a board member appointed under subsection (h) shall be
 40 elected. Unless the successor takes office at the end of the term of the
 41 vacating member, the member shall serve only for the balance of the
 42 vacating member's term. In an election for a successor board member



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

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

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

21 SECTION 37. IC 20-23-10-8, AS AMENDED BY P.L.233-2015,
 22 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2024]: Sec. 8. (a) The board members of a merged
 24 school corporation shall be elected at the first general election
 25 following the merged school corporation's creation, and vacancies shall
 26 be filled in accordance with ~~IC 20-23-4-30~~; **IC 3-13-10.5-3**.

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

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

34 SECTION 38. IC 20-23-12-3, AS AMENDED BY
 35 P.L.213-2018(ss), SECTION 16, IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3. (a) The
 37 emergency manager appointed by the distressed unit appeal board
 38 under IC 6-1.1-20.3 shall act as the governing body of the school
 39 corporation and has the powers set forth in IC 6-1.1-20.3-8.5, including
 40 the powers and duties of the governing body of the school corporation.
 41 The school corporation shall also have an advisory board that consists
 42 of seven (7) members elected as follows:



1 (+) ~~On a nonpartisan basis:~~
 2 (2) in a general election in the county.
 3 The advisory board is created to provide nonbinding recommendations
 4 to the emergency manager.
 5 (b) Six (6) of the members shall be elected from the school districts
 6 drawn under section 4 of this chapter. Each member:
 7 (1) is elected from the school district in which the member
 8 resides; and
 9 (2) upon election and in conducting the business of the advisory
 10 board, represents the interests of the entire school corporation.
 11 (c) One (1) of the members elected:
 12 (1) is the at-large member of the advisory board;
 13 (2) may reside in any of the districts drawn under section 4 of this
 14 chapter; and
 15 (3) upon election and in conducting the business of the advisory
 16 board, represents the interests of the entire school corporation.
 17 (d) A per diem may not be paid to a member.
 18 (e) The advisory board may hold a public meeting subject to the
 19 limits on the number of meetings set forth in IC 6-1.1-20.3-6.8(d). The
 20 advisory board is subject to IC 5-14-1.5 (the open door law) for these
 21 meetings. The advisory board may hold additional meetings that are
 22 authorized as executive sessions under IC 5-14-1.5 (the open door law)
 23 as provided in IC 5-14-1.5-6.1. The advisory board is subject to the
 24 public notice requirements of IC 5-14-1.5 (the open door law) for these
 25 additional meetings. The records of the advisory board are subject to
 26 IC 5-14-3 (access to public records).
 27 SECTION 39. IC 20-23-12-5, AS AMENDED BY
 28 P.L.213-2018(ss), SECTION 17, IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) The six (6)
 30 members who are elected for a position on the advisory board
 31 described under section 3(b) of this chapter are determined as follows:
 32 (1) Each ~~prospective candidate must file a nomination petition~~
 33 ~~with the board of elections and registration not earlier than one~~
 34 ~~hundred four (104) days and not later than noon seventy-four (74)~~
 35 ~~days before the election at which the members are to be elected~~
 36 ~~that includes the following information:~~
 37 (A) ~~The name of the prospective candidate:~~
 38 (B) ~~The district in which the prospective candidate resides:~~
 39 (C) ~~The signatures of at least one hundred (100) registered~~
 40 ~~voters residing in the school corporation:~~
 41 (D) ~~The fact that the prospective candidate is running for a~~
 42 ~~district position:~~



- 1 (E) A certification that the prospective candidate meets the
- 2 qualifications for candidacy imposed by this chapter. **shall be**
- 3 **nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**
- 4 **whichever is applicable to the particular candidate.**
- 5 (2) Only eligible voters residing in the district may vote for a
- 6 candidate.
- 7 (3) ~~The candidate within each district who receives the greatest~~
- 8 ~~number of votes in the district is elected. IC 3 governs the~~
- 9 **nomination and election of members of the advisory board**
- 10 **under this subsection.**

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

- 13 (1) Each ~~prospective candidate must file a nomination petition~~
- 14 ~~with the clerk of the circuit court at least seventy-four (74) days~~
- 15 ~~before the election at which the at-large member is to be elected.~~
- 16 ~~The petition must include the following information:~~
- 17 ~~(A) The name of the prospective candidate;~~
- 18 ~~(B) The signatures of at least one hundred (100) registered~~
- 19 ~~voters residing within the school corporation;~~
- 20 ~~(C) The fact that the prospective candidate is running for the~~
- 21 ~~at-large position on the advisory board;~~
- 22 ~~(D) A certification that the prospective candidate meets the~~
- 23 ~~qualifications for candidacy imposed by this chapter. **shall be**~~
- 24 ~~**nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**~~
- 25 ~~**whichever is applicable to the candidate.**~~
- 26 (2) Only eligible voters residing in the school corporation may
- 27 vote for a candidate.
- 28 (3) ~~The candidate who:~~
- 29 ~~(A) runs for the at-large position on the advisory board; and~~
- 30 ~~(B) receives the greatest number of votes in the school~~
- 31 ~~corporation;~~
- 32 ~~is elected to the at-large position. IC 3 governs the nomination~~
- 33 ~~and election of the member of the advisory board under this~~
- 34 ~~subsection.~~

35 SECTION 40. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011,
 36 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2024]: Sec. 2.1. (a) ~~As used in this section, "county~~
 38 ~~election board"~~ includes a board of elections and registration
 39 ~~established under IC 3-6-5.2.~~

40 ~~(b)~~ (a) The voters of the school corporation shall elect the members
 41 of the governing body at a general election for a term of four (4) years.
 42 The members shall be elected from the city at large without reference



1 to district.

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

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

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

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

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

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

22 (1) in alphabetical order;

23 (2) without party designation; and

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

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

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

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

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

38 (1) is elected from the school district in which the member
39 resides; and

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

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



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

6 SECTION 42. IC 20-23-14-5, AS AMENDED BY P.L.6-2012,
 7 SECTION 127, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. To be eligible to be a
 9 candidate for the governing body under this chapter, the following
 10 apply:

- 11 (1) Each ~~prospective~~ candidate ~~must file a petition of nomination~~
 12 ~~with the board of elections and registration not earlier than one~~
 13 ~~hundred four (104) days and not later than noon seventy-four (74)~~
 14 ~~days before the general election at which the members are to be~~
 15 ~~elected. The petition of nomination must include the following:~~
 16 (A) ~~The name of the prospective candidate.~~
 17 (B) ~~Whether the prospective candidate is a district candidate~~
 18 ~~or an at-large candidate.~~
 19 (C) ~~A certification that the prospective candidate meets the~~
 20 ~~qualifications for candidacy imposed under this chapter.~~
 21 (D) ~~The signatures of at least one hundred (100) registered~~
 22 ~~voters residing in the school corporation. for election shall be~~
 23 ~~nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,~~
 24 ~~whichever is applicable to the particular candidate.~~
 25 (2) Each ~~prospective~~ candidate for a district position must:
 26 (A) reside in the district; and
 27 (B) have resided in the district for at least the three (3) years
 28 immediately preceding the election.
 29 (3) Each ~~prospective~~ candidate for an at-large position must:
 30 (A) reside in the school corporation; and
 31 (B) have resided in the school corporation for at least the three
 32 (3) years immediately preceding the election.
 33 (4) Each ~~prospective~~ candidate (regardless of whether the
 34 candidate is a district candidate or an at-large candidate) must:
 35 (A) be a registered voter;
 36 (B) have been a registered voter for at least the three (3) years
 37 immediately preceding the election; and
 38 (C) be a high school graduate or have received a:
 39 (i) high school equivalency certificate; or
 40 (ii) state general educational development (GED) diploma
 41 under IC 20-20-6 (before its repeal) or IC 22-4.1-18.
 42 (5) A ~~prospective~~ candidate may not:



- 1 (A) hold any other elective or appointive office; or
 2 (B) have a pecuniary interest in any contract with the school
 3 corporation or its governing body;
 4 as prohibited by law.
- 5 SECTION 43. IC 20-23-15-6, AS ADDED BY P.L.1-2005,
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2024]: Sec. 6. (a) The governing body of the school
 8 corporation consists of seven (7) members who shall be elected
 9 ~~(1) on a nonpartisan basis; and~~
 10 ~~(2)~~ in the general election held in the county.
 11 (b) Five (5) of the members shall be elected from the school districts
 12 in which the members reside as established under section 7 of this
 13 chapter.
 14 (c) Two (2) of the members shall be elected at large.
 15 **(d) Each candidate for election shall be nominated as provided**
 16 **in IC 3-8-2.5 or IC 3-8-2.7, whichever is applicable to the**
 17 **particular candidate.**
- 18 SECTION 44. IC 20-23-17-3, AS AMENDED BY P.L.219-2013,
 19 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2024]: Sec. 3. (a) The governing body of the school
 21 corporation consists of five (5) members chosen as follows:
 22 (1) Three (3) members shall be elected by the voters of the school
 23 corporation at a general election to be held in the county and
 24 every four (4) years thereafter.
 25 (2) One (1) member shall be appointed by the city executive.
 26 (3) One (1) member shall be appointed by the city legislative
 27 body.
 28 (b) The members elected under subsection (a)(1) shall be elected as
 29 follows:
 30 ~~(1) On a nonpartisan basis:~~
 31 ~~(2) (1)~~ In a general election held in the county.
 32 ~~(3) (2)~~ By the registered voters of the entire school corporation.
 33 (c) The following apply to an election of members of the governing
 34 body of the school corporation under subsection (a)(1):
 35 (1) Each candidate ~~must file a petition of nomination with the~~
 36 ~~circuit court clerk not earlier than one hundred four (104) days~~
 37 ~~and not later than seventy-four (74) days before the election at~~
 38 ~~which members are to be elected. The petition of nomination must~~
 39 ~~include the following information:~~
 40 ~~(A) The name of the candidate.~~
 41 ~~(B) A certification that the candidate meets the qualifications~~
 42 ~~for candidacy imposed by this chapter. for election shall be~~



1 **nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**
 2 **whichever is applicable to the particular candidate.**

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

5 SECTION 45. IC 20-23-17.2-3.1, AS AMENDED BY
 6 P.L.193-2021, SECTION 106, IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3.1. (a) The
 8 governing body of the school corporation consists of five (5) members,
 9 elected as provided in this chapter.

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

11 (1) From districts established as provided in section 4.1 of this
 12 chapter.

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

14 ~~(2)~~ (2) At the general election held in the county in 2022 and
 15 every four (4) years thereafter.

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

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

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

19 ~~(2)~~ (2) At the general election held in the county in 2024 and
 20 every four (4) years thereafter.

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

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

23 (2) begins January 1 after the election of members of the
 24 governing body.

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

28 SECTION 46. IC 20-23-17.2-5, AS AMENDED BY P.L.222-2015,
 29 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2024]: Sec. 5. (a) The following apply to an election of
 31 members of the governing body of the school corporation under section
 32 3.1(b) of this chapter:

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

38 (A) The name of the candidate:

39 (B) The candidate's residence address and the district in which
 40 the candidate resides:

41 (C) The signatures of at least twenty (20) registered voters
 42 residing within the school corporation district the candidate



- 1 seeks to represent.
- 2 ~~(D)~~ A certification that the candidate meets the qualifications
- 3 for candidacy imposed by this chapter.
- 4 ~~(E)~~ The school corporation district that the candidate seeks to
- 5 represent: **for election shall be nominated as provided in**
- 6 **IC 3-8-2.5 or IC 3-8-2.7, whichever is applicable to the**
- 7 **particular candidate.**
- 8 (2) Only eligible voters residing in the school corporation district
- 9 as provided in section 4.1 of this chapter may vote for a candidate
- 10 to represent that school corporation district.
- 11 (3) One (1) candidate shall be elected for each school corporation
- 12 district provided by section 4.1 of this chapter. The candidate
- 13 elected for a school corporation district must reside within the
- 14 boundaries of the school corporation district. The candidate
- 15 elected as the member for a particular school corporation district
- 16 is the candidate who, among all the candidates who reside within
- 17 that school corporation district, receives the greatest number of
- 18 votes from voters residing in that school corporation district.
- 19 (b) The following apply to an election of the members of the
- 20 governing body of the school corporation under section 3.1(c) of this
- 21 chapter:
- 22 (1) Each candidate ~~must file a petition of nomination with the~~
- 23 ~~circuit court clerk not earlier than one hundred four (104) days~~
- 24 ~~and not later than seventy-four (74) days before the general~~
- 25 ~~election at which members are to be elected. The petition of~~
- 26 ~~nomination must include the following information:~~
- 27 ~~(A) The name of the candidate.~~
- 28 ~~(B) The candidate's residence address.~~
- 29 ~~(C) The signatures of at least one hundred (100) registered~~
- 30 ~~voters residing within the school corporation.~~
- 31 ~~(D) A certification that the candidate meets the qualifications~~
- 32 ~~for candidacy imposed by this chapter.~~
- 33 ~~(E) The fact that the candidate seeks to be elected from the~~
- 34 ~~school corporation at large: **for election shall be nominated**~~
- 35 **as provided in IC 3-8-2.5 or IC 3-8-2.7, whichever is**
- 36 **applicable to the particular candidate.**
- 37 (2) Only eligible voters residing in the school corporation may
- 38 vote for a candidate.
- 39 (3) Two (2) candidates shall be elected at large. The two (2)
- 40 candidates who receive the greatest number of votes among all
- 41 candidates running for an at-large seat are elected as members of
- 42 the governing body.



1 SECTION 47. IC 20-25-3-4, AS AMENDED BY P.L.169-2022,
 2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2024]: Sec. 4. (a) The board consists of seven (7)
 4 members. A member:

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

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

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

11 (c) If a candidate runs for one (1) of the district positions on the
 12 board, only eligible voters residing in the candidate's district may vote
 13 for that candidate. If a person is a candidate for one (1) of the at-large
 14 positions, eligible voters from all the districts may vote for that
 15 candidate.

16 (d) ~~If a candidate files to run for a position on the board, the~~
 17 ~~candidate must specify whether the candidate is running for a district~~
 18 ~~or an at-large position. Each candidate for election shall be~~
 19 **nominated as provided in IC 3-8-2.5 or IC 3-8-2.7, whichever is**
 20 **applicable to the particular candidate.**

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

25 (f) Districts shall be established within the school city by the board
 26 of school commissioners. The districts must be drawn on the basis of
 27 precinct lines, and as nearly as practicable, of equal population with the
 28 population of the largest district not to exceed the population of the
 29 smallest district by more than five percent (5%). District lines must not
 30 cross precinct lines. The board of school commissioners, **with**
 31 **assistance from the county election board**, shall establish:

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

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

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

35 (h) In accordance with subsection (k), a vacancy in the board shall
 36 be filled temporarily by the board as soon as practicable after the
 37 vacancy occurs. The member chosen by the board to fill a vacancy
 38 holds office until the member's successor is elected and qualified. The
 39 successor shall be elected at the next regular school board election
 40 occurring after the date on which the vacancy occurs. The successor
 41 fills the vacancy for the remainder of the term.

42 (i) An individual elected to serve on the board begins the



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

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

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

17 SECTION 48. IC 20-26-4-4, AS AMENDED BY P.L.193-2021,
 18 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JANUARY 1, 2024]: Sec. 4. (a) **This section does not**
 20 **apply to:**

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

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

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

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

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

40 **(2) If subdivision (1) does not apply**, the remaining members of
 41 the governing body shall by majority vote fill the vacancy by
 42 appointing a ~~person~~ **an individual** from within the boundaries of



1 the school corporation, with the residence and other qualifications
 2 provided for a regularly elected or appointed board member
 3 filling the membership, to serve for the term or the balance of the
 4 term. However, this subsection does not apply to a vacancy:

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

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

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

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

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

16 SECTION 49. IC 20-26-4-4.5, AS AMENDED BY P.L.233-2015,
 17 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2024]: Sec. 4.5. (a) The definitions in IC 3-5-2 apply to
 19 this section.

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

26 SECTION 50. IC 33-33-53-5, AS AMENDED BY P.L.179-2011,
 27 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2024]: Sec. 5. In accordance with rules adopted by the
 29 judges of the court under section 6 of this chapter, the presiding judge
 30 shall do the following:

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

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

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

36 (B) the defense of indigents; and

37 (C) maintaining an adequate law library.

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

40 IC 8-4-21-2

41 IC 11-12-2-2

42 IC 16-22-2-4



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

HOUSE MOTION

Mr. Speaker: I move that House Bill 1428 be amended to read as follows:

Page 2, line 17, delete "IC 3-8-2.7-4" and insert "**IC 3-8-2.7-8**".

Page 2, delete lines 19 through 25, begin a new paragraph and insert:

"(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 one (1) of the following:

(1) The name of the major political party with which the candidate is affiliated.

(2) The name of a political party other than a major political party with which the candidate is affiliated.

(3) That the candidate is an independent candidate if the candidate does not identify with a political party."

Page 4, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 8. IC 3-8-2.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

HB 1428—LS 6232/DI 144



JANUARY 1, 2024]:

Chapter 2.7. Changing the Nomination and Election Process of School Board Candidates

Sec. 1. The procedure for nomination and election of the members of a school board may be changed as provided in this chapter.

Sec. 2. (a) A school board may adopt a resolution to propose that the members of the school board are nominated and elected:

- (1) at nonpartisan elections as provided in IC 3-8-2.5; or**
- (2) as described in either:**
 - (A) section 8 of this chapter; or**
 - (B) section 9 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 and certified to the circuit court clerk before July 1 of the year that a general election 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 as provided in subsection (b).

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 nominated and elected:

- (1) at a nonpartisan election as provided in IC 3-8-2.5; or**
- (2) as described in either:**
 - (A) section 8 of this chapter; or**
 - (B) section 9 of this chapter.**

(c) A petition satisfies the requirement of subsection (b) if the petition states the form of the public question under any of the following:

- (1) Section 4 of this chapter for the election of members of the school board at a nonpartisan election as provided in**



IC 3-8-2.5.

(2) Section 5 of this chapter for election of members of the school board as described in section 8 of this chapter.

(3) Section 6 of this chapter for election of members of the school board as described in section 9 of this chapter.

(d) 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.

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

(1) a school board certifies a resolution adopted by the school board to the circuit court clerk as provided in section 2 of this chapter; or

(2) a petition is certified under section 3 of this chapter; proposing that members of the school board be nominated and elected at nonpartisan elections as provided in IC 3-8-2.5.

(b) 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 and elected at nonpartisan elections?"

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

(1) a school board certifies a resolution adopted by the school board to the circuit court clerk as provided in section 2 of this chapter; or

(2) a petition is certified under section 3 of this chapter; proposing that members of the school board be elected as provided in section 8 of this chapter.

(b) 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?"



Sec. 6. (a) This section applies if:

(1) a school board certifies a resolution adopted by the school board to the circuit court clerk as provided in section 2 of this chapter; or

(2) a petition is certified under section 3 of this chapter;

proposing that members of the school board be elected as provided in section 9 of this chapter.

(b) 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?"

Sec. 7. (a) The circuit court clerk shall certify the results of the vote on a public question under this chapter to the county election board.

(b) If a majority of the voters voting on the public question vote "yes", the school corporation's school board members shall be nominated and elected, beginning with the next election of the school corporation's school board members, as follows:

(1) At nonpartisan elections as provided in IC 3-8-2.5 if the voters approve the public question under section 4 of this chapter.

(2) As provided in section 8 of this chapter if the voters approve the public question under section 5 of this chapter.

(3) As provided in section 9 of this chapter, if the voters approve the public question under section 6 of this chapter.

Sec. 8. (a) This section applies if the voters approve the public question under section 5 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. 9. (a) This section applies if the voters approve the public question under section 6 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.**

Sec. 10. A public question under this chapter may not be placed on the ballot before ten (10) years after a previous public question under this chapter has been submitted to the voters."

Delete pages 5 through 6.

Page 7, delete lines 1 through 41.

Page 8, line 9, delete "IC 3-8-2.7" and insert "**IC 3-8-2.7-8 or IC 3-8-2.7-9**".

Page 8, line 13, delete "IC 3-8-2.7 does" and insert "**IC 3-8-2.7-8 and IC 3-8-2.7-9 do**".

Page 8, line 31, delete "IC 3-8-2.7" and insert "**IC 3-8-2.7-8 or IC 3-8-2.7-9**".

Page 9, line 42, delete "IC 3-8-2.7-5" and insert "**IC 3-8-2.7-9**".

Page 10, line 21, delete "IC 3-8-2.7-5" and insert "**IC 3-8-2.7-9**".

Page 13, line 18, delete "IC 3-8-2.7-5" and insert "**IC 3-8-2.7-9**".

Page 14, between lines 15 and 16, begin a new paragraph and insert:
 "SECTION 16. IC 3-11-2-10, AS AMENDED BY P.L.32-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, if instructions are printed on the ballot:

- (1) Ratification of a state constitutional amendment.
- (2) Local public questions.

Subject to section 10.1 of this chapter, each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. Notwithstanding section 8(b) of this chapter, the instructions for voting a straight party ticket shall be placed to the right of the device on the ballot.

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following:



"(1) You are not required to vote a straight party ticket. If you do not wish to vote a straight party ticket, do not make a mark in this section, and proceed to voting the ballot by office.

(2) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, except for candidates described in (3) below, make a voting mark on or in this circle and do not make any other marks on this ballot.

(3) To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot) to which more than one (1) person may be elected, you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.

(4) If you wish to vote for a candidate for a school board office, you must make a voting mark on the appropriate place on this ballot for each candidate for whom you wish to vote. Your straight party vote will not count as a vote for any candidate for that office.

~~(4)~~ (5) If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(d) Except as permitted under section 8(b) of this chapter, if the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) Except as permitted under section 8(b) of this chapter, the ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) Subject to section 10.1 of this chapter, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.



(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct."

Page 25, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 26. IC 3-12-1-5, AS AMENDED BY P.L.278-2019, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) This subsection does not apply to a ballot card voting system or an electronic voting system. Except as provided in subsection (d), a voting mark made by a voter on or in a voting square at the left of a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

(b) This subsection applies to a ballot card voting system. A voting mark made by a voter:

- (1) on or in a circle, oval, or square; or
- (2) to connect a connectable arrow;

immediately below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party, except as provided in subsection (d).

(c) This subsection applies to a direct record electronic voting system. A voting mark made by a voter touching a touch sensitive point or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party, except as provided in subsection (d).

(d) A voter who wishes to cast a ballot for a candidate for election to an at-large district to which more than one (1) person may be elected on a:

- (1) county council;
- (2) city common council;
- (3) town council; or
- (4) township board;

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A straight ticket voting mark on a paper ballot, ballot card voting system, or electronic voting system shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

(e) A voter who wishes to cast a ballot for a candidate for election to a school board office must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A straight ticket voting mark on a paper ballot, ballot card voting system, or electronic voting system shall not be counted as a



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

SECTION 27. IC 3-12-1-8, AS AMENDED BY P.L.278-2019, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 8. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, a voting mark made by a voter on or in a circle containing a political party device shall be counted as a vote for each candidate of that political party on that ballot.

(b) A voter who wishes to cast a ballot for a candidate for election to an at-large district to which more than one (1) person may be elected on a:

- (1) county council;
- (2) city common council;
- (3) town council; or
- (4) township board;

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A voting mark on or in a circle containing a political party device shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

(c) A voter who wishes to cast a ballot for a candidate for election to a school board office must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A straight ticket voting mark on a paper ballot, ballot card voting system, or electronic voting system shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection."

Delete page 26.

Page 27, delete lines 1 through 12.

Page 29, line 13, delete "IC 3-8-2.7-4" and insert "**IC 3-8-2.7-8**".

Re-number all SECTIONS consecutively.

(Reference is to HB 1428 as printed February 9, 2023.)

MORRISON

HOUSE MOTION

Mr. Speaker: I move that House Bill 1428 be amended to read as follows:

Page 2, delete lines 31 through 42, begin a new paragraph and

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insert:

"(d) A candidate may not claim affiliation with a major political party under subsection (b) unless the two (2) most recent primary elections in which the candidate voted were 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 claims affiliation with a major political party. If the two (2) most recent primary elections in which the candidate voted were not held by the political 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."

Page 3, delete lines 1 through 7.

Page 3, line 36, delete "subsection" and insert "**section**".

(Reference is to HB 1428 as printed February 9, 2023.)

PRESCOTT

