



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

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

- 1 Page 2, line 17, delete "IC 3-8-2.7-4" and insert "**IC 3-8-2.7-6**".
- 2 Page 2, delete lines 19 through 25, begin a new paragraph and
- 3 insert:
- 4 "**(b) In addition to the information required on a candidate's**
- 5 **petition of nomination under section 2.5 of this chapter, a**
- 6 **candidate's petition of nomination must state one (1) of the**
- 7 **following:**
- 8 **(1) The name of the major political party with which the**
- 9 **candidate is affiliated.**
- 10 **(2) The name of a political party other than a major political**
- 11 **party with which the candidate is affiliated.**
- 12 **(3) That the candidate is an independent candidate if the**
- 13 **candidate does not identify with a political party."**
- 14 Page 4, delete lines 17 through 42, begin a new paragraph and
- 15 insert:
- 16 "SECTION 8. IC 3-8-2.7 IS ADDED TO THE INDIANA CODE AS
- 17 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 18 JANUARY 1, 2024]:
- 19 **Chapter 2.7. Changing the Nomination and Election Process of**
- 20 **School Board Candidates**
- 21 **Sec. 1. The procedure for nomination and election of the**
- 22 **members of a school board may be changed as provided in this**

1 chapter.

2 **Sec. 2. (a) A school board may adopt a resolution to change the**
 3 **method of nomination and election of members of the school board**
 4 **to provide that the members of the school board are nominated**
 5 **and elected as provided under any of the following:**

6 (1) At nonpartisan elections as provided in IC 3-8-2.5.

7 (2) As described in section 6 of this chapter.

8 (3) As described in section 7 of this chapter.

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

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

12 (2) be adopted and certified to the circuit court clerk before
 13 January 1 of the year that the next general election for
 14 members of the school board will be held.

15 (c) If the school board adopts a resolution under this section, the
 16 school board shall certify adoption of the resolution to the circuit
 17 court clerk of the county in which the greatest percentage of
 18 population of the school corporation resides as provided in
 19 subsection (b).

20 (d) If the school board adopts a resolution under this section, the
 21 members of the school board shall be elected as provided in the
 22 resolution adopted by the school board, beginning at the next
 23 general election for the members of the school board.

24 (e) A school board may change the method of electing members
 25 of the school board under this section but not sooner than ten (10)
 26 years after the most recent change of the method of electing the
 27 school board members has been changed either under:

28 (1) this section; or

29 (2) section 3 of this chapter.

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

31 (1) five hundred (500) voters residing within the school
 32 corporation; or

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

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

38 (b) A petition under this section must indicate whether the
 39 members of the school board should be nominated and elected as
 40 follows:

41 (1) At nonpartisan elections as provided in IC 3-8-2.5.

42 (2) As described in section 6 of this chapter.

43 (3) As described in section 7 of this chapter.

44 (c) A petition satisfies the requirement of subsection (b) if the
 45 petition states the form of the public question as provided in the
 46 following:

47 (1) Subsection (e) for the election of members of the school

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board at a nonpartisan election as provided in IC 3-8-2.5.

(2) Subsection (f) for election of members of the school board as described in section 6 of this chapter.

(3) Subsection (g) 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

1 purposes of voting in an election. However, an individual is
 2 not required to comply with the provisions concerning
 3 providing proof of identification to be considered a registered
 4 voter for purposes of this section.

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

10 (e) If the county voter registration office certifies a petition
 11 requesting that members of the school board be elected at a
 12 nonpartisan election as provided in IC 3-8-2.5, the county election
 13 board shall place the following public question on the ballot at the
 14 next general election in the precincts within the school corporation:

15 "Shall candidates for election to the _____
 16 (insert the name of the school corporation) school board be
 17 nominated and elected at nonpartisan elections?"

18 (f) If the county voter registration office certifies a petition
 19 requesting that members of the school board be elected as provided
 20 in section 6 of this chapter, the county election board shall place
 21 the following public question on the ballot at the next general
 22 election in the precincts within the school corporation:

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

28 (g) If the county voter registration office certifies a petition
 29 requesting that members of the school board be elected as provided
 30 in section 7 of this chapter, the county election board shall place
 31 the following public question on the ballot at the next general
 32 election in the precincts within the school corporation:

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

39 (h) A public question may be placed on the ballot under this
 40 section not sooner than ten (10) years after the most recent change
 41 of the method of electing the school board members has been
 42 changed either under:

- 43 (1) section 2 of this chapter; or
- 44 (2) this section.

45 Sec. 4. (a) The circuit court clerk shall certify the results of the
 46 vote under section 3(e), (f), or (g) of this chapter to the county
 47 election board.

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

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

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

10 (3) As provided in section 7 of this chapter, if the voters
11 approve the public question under section 3(g) of this chapter.

12 Sec. 5. (a) This section applies if either of the following apply:

13 (1) The school board approves a resolution under section
14 2(a)(1) of this chapter.

15 (2) The voters approve the public question under section 3(e)
16 of this chapter.

17 (b) Beginning at the next general election for members of the
18 school board, candidates for election to the school board shall be
19 nominated and elected under IC 3-8-2.5.

20 Sec. 6. (a) This section applies if either of the following apply:

21 (1) The school board approves a resolution under section
22 2(a)(2) of this chapter.

23 (2) The voters approve the public question under section 3(f)
24 of this chapter.

25 (b) Beginning at the next general election for members of the
26 school board, candidates for election to the school board body shall
27 be:

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

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

31 (A) affiliated with a political party; or

32 (B) an independent candidate.

33 Sec. 7. (a) This section applies if either of the following apply:

34 (1) The school board approves a resolution under section
35 2(a)(3) of this chapter.

36 (2) The voters approve the public question under section 3(g)
37 of this chapter.

38 (b) Beginning at the next general election for members of the
39 school board, candidates for election to the school board shall be:

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

42 (2) placed on the ballot so that the political affiliation of each
43 candidate is indicated in the same manner as candidates for
44 partisan local offices are indicated."

45 Delete pages 5 through 6.

46 Page 7, delete lines 1 through 41.

47 Page 8, line 9, delete "IC 3-8-2.7" and insert "IC 3-8-2.7-6 or

- 1 **IC 3-8-2.7-7".**
 2 Page 8, line 13, delete "IC 3-8-2.7 does" and insert "**IC 3-8-2.7-6**
 3 **and IC 3-8-2.7-7 do".**
 4 Page 8, line 31, delete "IC 3-8-2.7" and insert "**IC 3-8-2.7-6 or**
 5 **IC 3-8-2.7-7".**
 6 Page 9, line 42, delete "IC 3-8-2.7-5" and insert "**IC 3-8-2.7-7".**
 7 Page 10, line 21, delete "IC 3-8-2.7-5" and insert "**IC 3-8-2.7-7".**
 8 Page 13, line 18, delete "IC 3-8-2.7-5" and insert "**IC 3-8-2.7-7".**
 9 Page 14, between lines 15 and 16, begin a new paragraph and insert:
 10 "SECTION 16. IC 3-11-2-10, AS AMENDED BY P.L.32-2021,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2024]: Sec. 10. (a) Public questions shall be placed on
 13 the general election ballot in the following order after the statement
 14 described in section 7 of this chapter, and the instructions described in
 15 subsections (d) and (e) and section 8 of this chapter, if instructions are
 16 printed on the ballot:
 17 (1) Ratification of a state constitutional amendment.
 18 (2) Local public questions.
 19 Subject to section 10.1 of this chapter, each public question shall be
 20 placed in a separate column on the ballot.
 21 (b) The name or title of the political party or independent ticket
 22 described in section 6 of this chapter shall be placed on the general
 23 election ballot after the public questions described in subsection (a).
 24 The device of the political party or independent ticket shall be placed
 25 immediately under the name of the political party or independent ticket.
 26 Notwithstanding section 8(b) of this chapter, the instructions for voting
 27 a straight party ticket shall be placed to the right of the device on the
 28 ballot.
 29 (c) The instructions for voting a straight party ticket must conform
 30 as nearly as possible to the following:
 31 "(1) You are not required to vote a straight party ticket. If you do
 32 not wish to vote a straight party ticket, do not make a mark in this
 33 section, and proceed to voting the ballot by office.
 34 (2) To vote a straight (insert political party name) ticket for all
 35 (insert political party name) candidates on this ballot, except for
 36 candidates described in (3) below, make a voting mark on or in
 37 this circle and do not make any other marks on this ballot.
 38 (3) To vote for any candidate for an at-large office (insert county
 39 council, city common council, town council, or township board if
 40 those offices appear on this ballot) to which more than one (1)
 41 person may be elected, you must make another voting mark for
 42 each candidate you wish to vote for. Your straight party vote will
 43 not count as a vote for any candidate for that office.
 44 **(4) If you wish to vote for a candidate for a school board**
 45 **office, you must make a voting mark on the appropriate place**
 46 **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 Page 25, delete lines 10 through 42, begin a new paragraph and
 31 insert:
 32 "SECTION 26. IC 3-12-1-5, AS AMENDED BY P.L.278-2019,
 33 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) This subsection does not
 35 apply to a ballot card voting system or an electronic voting system.
 36 Except as provided in subsection (d), a voting mark made by a voter on
 37 or in a voting square at the left of a candidate's name or political party's
 38 name shall be counted as a vote for the candidate or candidates of the
 39 political party.
 40 (b) This subsection applies to a ballot card voting system. A voting
 41 mark made by a voter:
 42 (1) on or in a circle, oval, or square; or
 43 (2) to connect a connectable arrow;
 44 immediately below or beside a candidate's name or political party's
 45 name shall be counted as a vote for the candidate or candidates of the
 46 political party, except as provided in subsection (d).

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

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

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

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

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

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

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

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

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

43 **(c) A voter who wishes to cast a ballot for a candidate for**
44 **election to a school board office must make a voting mark for each**
45 **individual candidate for whom the voter wishes to cast a vote. A**
46 **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 Delete page 26.

5 Page 27, delete lines 1 through 12.

6 Page 29, line 13, delete "IC 3-8-2.7-4" and insert "**IC 3-8-2.7-6**".
(Reference is to HB 1428 as printed February 9, 2023.)

Representative Boy