



| | |
|--------------------|---------------------|
| 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| WITHDRAWN | Noes _____ |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 3-8-2.7-8".
- 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 propose**
3 **that the members of the school board are nominated and elected:**

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

5 (2) as described in either:

6 (A) section 8 of this chapter; or

7 (B) section 9 of this chapter.

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

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

11 (2) be adopted and certified to the circuit court clerk before
12 July 1 of the year that a general election will be held.

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

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

19 (1) five hundred (500) voters residing within the school
20 corporation; or

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

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

27 (b) A petition under this section must indicate whether the
28 members of the school board should be nominated and elected:

29 (1) at a nonpartisan election as provided in IC 3-8-2.5; or

30 (2) as described in either:

31 (A) section 8 of this chapter; or

32 (B) section 9 of this chapter.

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

36 (1) Section 4 of this chapter for the election of members of the
37 school board at a nonpartisan election as provided in
38 IC 3-8-2.5.

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

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

43 (d) The following apply to the petition process under this
44 section:

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

47 (A) The individual must be a registered voter who resides

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

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 (1) a school board certifies a resolution adopted by the school
2 board to the circuit court clerk as provided in section 2 of this
3 chapter; or
4 (2) a petition is certified under section 3 of this chapter;
5 proposing that members of the school board be nominated and
6 elected at nonpartisan elections as provided in IC 3-8-2.5.
7 (b) The county election board shall place the following public
8 question on the ballot at the next general election in the precincts
9 within the school corporation:
10 "Shall candidates for election to the _____
11 (insert the name of the school corporation) school board be
12 nominated and elected at nonpartisan elections?".
13 Sec. 5. (a) This section applies if:
14 (1) a school board certifies a resolution adopted by the school
15 board to the circuit court clerk as provided in section 2 of this
16 chapter; or
17 (2) a petition is certified under section 3 of this chapter;
18 proposing that members of the school board be elected as provided
19 in section 8 of this chapter.
20 (b) The county election board shall place the following public
21 question on the ballot at the next general election in the precincts
22 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 Sec. 6. (a) This section applies if:
29 (1) a school board certifies a resolution adopted by the school
30 board to the circuit court clerk as provided in section 2 of this
31 chapter; or
32 (2) a petition is certified under section 3 of this chapter;
33 proposing that members of the school board be elected as provided
34 in section 9 of this chapter.
35 (b) The county election board shall place the following public
36 question on the ballot at the next general election in the precincts
37 within the school corporation:
38 "Shall candidates for election to the _____
39 (insert the name of the school corporation) school board be
40 nominated in the same fashion as candidates for partisan
41 offices and shall the general election ballot for election of
42 members of the school board indicate the political party with
43 which each candidate is affiliated, if any?".
44 Sec. 7. (a) The circuit court clerk shall certify the results of the
45 vote on a public question under this chapter to the county election
46 board.
47 (b) If a majority of the voters voting on the public question vote

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

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

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

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

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

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

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

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

17 **(A) affiliated with a political party; or**

18 **(B) an independent candidate.**

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

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

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

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

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

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

32 Delete pages 5 through 6.

33 Page 7, delete lines 1 through 41.

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

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

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

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

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

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

43 Page 14, between lines 15 and 16, begin a new paragraph and insert:
44 "SECTION 16. IC 3-11-2-10, AS AMENDED BY P.L.32-2021,
45 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
46 JANUARY 1, 2024]: Sec. 10. (a) Public questions shall be placed on

1 the general election ballot in the following order after the statement
 2 described in section 7 of this chapter, and the instructions described in
 3 subsections (d) and (e) and section 8 of this chapter, if instructions are
 4 printed on the ballot:

5 (1) Ratification of a state constitutional amendment.

6 (2) Local public questions.

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

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

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

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

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

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

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

37 ~~(4)~~ (5) If you wish to vote for a candidate seeking a nonpartisan
 38 office or on a public question, you must make another voting
 39 mark on the appropriate place on this ballot."

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

1 counted for any OTHER independent candidate appearing on the
2 ballot."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 Delete page 26.
39 Page 27, delete lines 1 through 12.
40 Page 29, line 13, delete "IC 3-8-2.7-4" and insert "**IC 3-8-2.7-8**".
41 Renumber all SECTIONS consecutively.
(Reference is to HB 1428 as printed February 9, 2023.)

Representative Morrison