

# PROPOSED AMENDMENT

## HB 1428 # 3

### DIGEST

Options. Provides that a school board may adopt a resolution to provide that instead of being nominated and elected on a nonpartisan basis, the members of the school board can be: (1) nominated and elected on a partisan basis as all other candidates are nominated and elected; or (2) nominated as school board candidates are currently nominated but elected with the candidate's partisan affiliation, if any, stated on the general election ballot. Provides that the voters of a school corporation can make the same changes to the election of the school board members as a school board adopted resolution through a petition and referendum process.

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- 1           Page 1, delete lines 11 through 17, begin a new paragraph and  
2 insert:
- 3           "SECTION 3. IC 3-8-2-2 IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JANUARY 1, 2024]: Sec. 2. ~~A person~~ **An individual**  
5 who desires to be nominated at a primary election as a candidate of a  
6 political party subject to this chapter for a federal, state, legislative, ~~or~~  
7 local, **or school board** office shall file a declaration of candidacy.
- 8           SECTION 4. IC 3-8-2.5-1, AS ADDED BY P.L.179-2011,  
9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JANUARY 1, 2024]: Sec. 1. **Except as provided in IC 3-8-2.7**, this  
11 chapter applies to a candidate for a school board office.
- 12           SECTION 5. IC 3-8-2.5-2.7 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
14 JANUARY 1, 2024]: **Sec. 2.7. (a) This section applies only if**  
15 **IC 3-8-2.7-4 applies to the nomination and election of a school**  
16 **corporation's school board members.**
- 17           **(b) In addition to the information required on a candidate's**  
18 **petition of nomination under section 2.5 of this chapter, a**  
19 **candidate's petition of nomination must state either of the**  
20 **following:**
- 21               **(1) The candidate's political party affiliation.**  
22               **(2) That the candidate is an independent candidate if the**  
23               **candidate does not identify with a political party.**  
24               **(c) Unless the candidate's political party affiliation is challenged**

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

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

15 (1) the political party with which the candidate claims  
 16 affiliation; and

17 (2) the county in which the candidate resides;

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

24 SECTION 6. IC 3-8-2.5-7, AS ADDED BY P.L.194-2013,  
 25 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JANUARY 1, 2024]: Sec. 7. (a) A person may not be selected as a  
 27 candidate by petition of nomination without giving written consent and  
 28 having it filed with the public official with whom certificates and  
 29 petitions of nomination are required to be filed.

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

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

1 (54) days before the date of the general election.

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

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

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

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

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

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

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

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

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

35 SECTION 7. IC 3-8-2.7 IS ADDED TO THE INDIANA CODE AS  
36 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
37 JANUARY 1, 2024]:

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

40 **Sec. 1. This chapter applies to the nomination and election of**

1 candidates for election to a school board if either of the following  
2 apply:

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

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

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

10 (1) section 4 of this chapter; or

11 (2) section 5 of this chapter.

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

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

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

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

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

24 (1) five hundred (500) voters residing within the school  
25 corporation; or

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

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

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

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

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

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

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

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

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

9           (C) After the individual who circulates a copy of the  
10 petition collects and files the signed petition copy, that  
11 individual must swear or affirm before a notary public  
12 that the individual witnessed each signature.

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

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

21          (4) The county voter registration office shall determine  
22 whether each individual who signed a copy of the petition is  
23 a registered voter who resides within the school corporation.  
24 However, after the county voter registration office has  
25 determined that at least five hundred twenty-five (525)  
26 individuals who signed the petition are registered voters  
27 within the school corporation, the county voter registration  
28 office is not required to verify whether the remaining  
29 individuals who signed the petition are registered voters.

30          (5) The county voter registration office shall determine, not  
31 later than July 15, whether a sufficient number of voters who  
32 are residents of the school corporation have signed the  
33 petition under this section. If the name of an individual who  
34 signs a petition copy as a registered voter contains a minor  
35 variation from the name of the registered voter as set forth in  
36 the records of the county voter registration office, the  
37 signature is presumed to be valid, and there is a presumption  
38 that the individual is entitled to sign the petition under this  
39 section. In determining whether an individual is a registered  
40 voter, the county voter registration office shall apply the

1 requirements and procedures used under this title to  
 2 determine whether an individual is a registered voter for  
 3 purposes of voting in an election. However, an individual is  
 4 not required to comply with the provisions concerning  
 5 providing proof of identification to be considered a registered  
 6 voter for purposes of this section.

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

12 (d) If the county voter registration office certifies a petition  
 13 requesting that the members of the school board be elected as  
 14 described in section 4 of this chapter, the county election board  
 15 shall place the following public question on the ballot at the next  
 16 general election in the precincts 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 (e) If the county voter registration office certifies a petition  
 23 requesting that the members of the school board be elected as  
 24 described in section 5 of this chapter, the county election board  
 25 shall place the following public question on the ballot at the next  
 26 general election in the precincts within the school corporation:

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

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

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

1 **members.**

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

3 **(1) a resolution is adopted under section 2(a)(1) of this**  
4 **chapter; or**

5 **(2) a public question described in section 3(d) of this chapter**  
6 **is approved under section 3 of this chapter.**

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

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

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

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

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

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

14 **(1) a resolution is adopted under section 2(a)(2) of this**  
15 **chapter; or**

16 **(2) a public question described in section 3(e) of this chapter**  
17 **is approved under section 3 of this chapter.**

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

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

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

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

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

30 **(1) is an independent candidate; or**

31 **(2) represents a political party not qualified to nominate**  
32 **candidates in a primary or by convention.**

33 **(b) This chapter:**

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

38 **(2) does not apply to a candidate for a school board office of a**  
39 **school corporation if IC 3-8-2.7 does not apply to the**  
40 **nomination of the candidates for the school corporation's**

1           **school board offices.**

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

- 9           (1) July 15 before a general or municipal election.  
10          (2) August 1 before a municipal election in a town subject to  
11          IC 3-8-5-10.  
12          (3) On the date specified for town convention nominees under  
13          IC 3-8-5-14.5.  
14          (4) On the date specified for declared write-in candidates under  
15          IC 3-8-2-2.7.  
16          (5) On the date specified for a school board candidate under  
17          IC 3-8-2.5-4, **even if IC 3-8-2.7 applies to a school**  
18          **corporation's candidates for election to its school board. or**  
19          (6) Forty-five (45) days before a special election.

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

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

30          Delete pages 2 through 3.

31          Page 4, delete lines 1 through 40.

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

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

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

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

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

40          Page 25, line 7, after "IC 3-13-11." insert "**For purposes of**



1 **IC 3-13-11, an individual elected as provided under IC 3-8-2.7-4**  
2 **who is designated as being affiliated with a major political party is**  
3 **considered to have been elected or selected as a candidate of that**  
4 **major political party."**

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

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

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

11 Page 34, line 25, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
12 **3-8-2.5 or IC 3-8-2.7,"**.

13 Page 35, line 13, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
14 **3-8-2.5 or IC 3-8-2.7,"**.

15 Page 36, line 24, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
16 **3-8-2.5 or IC 3-8-2.7,"**.

17 Page 37, line 17, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
18 **3-8-2.5 or IC 3-8-2.7,"**.

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

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

23 Page 39, line 36, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
24 **3-8-2.5 or IC 3-8-2.7,"**.

25 Page 40, line 20, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
26 **3-8-2.5 or IC 3-8-2.7,"**.

27 Renumber all SECTIONS consecutively.  
(Reference is to HB 1428 as introduced.)