



Adopted	Rejected
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# COMMITTEE REPORT

YES: 6  
NO: 4

**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:*

- 1           Page 1, delete lines 11 through 17, begin a new paragraph and
- 2           insert:
- 3           "SECTION 3. IC 3-8-1-34, AS AMENDED BY P.L.233-2015,
- 4           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5           JANUARY 1, 2024]: Sec. 34. (a) A candidate for a school board office
- 6           must have resided in the school corporation for at least one (1) year
- 7           before the election.
- 8           (b) This subsection applies to a candidate for school board office
- 9           seeking to represent an election district that consists of less than the
- 10          entire school corporation. The candidate must have resided in the
- 11          election district for at least one (1) year before the election.
- 12          (c) **A candidate for a school board office may not be an**
- 13          **employee or agent of that school corporation.**
- 14          SECTION 4. IC 3-8-2-2 IS AMENDED TO READ AS FOLLOWS
- 15          [EFFECTIVE JANUARY 1, 2024]: Sec. 2. ~~A person~~ **An individual**

1 who desires to be nominated at a primary election as a candidate of a  
 2 political party subject to this chapter for a federal, state, legislative, ~~or~~  
 3 local, **or school board** office shall file a declaration of candidacy.

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

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

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

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

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

20 **(c) Unless the candidate's political party affiliation is challenged**  
 21 **under section 7 of this chapter, the candidate's political party**  
 22 **affiliation stated on the petition shall be indicated on the general**  
 23 **election ballot in the manner determined by the county election**  
 24 **board.**

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

35 **(1) the political party with which the candidate claims**  
 36 **affiliation; and**

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

38 **must certify in writing that the candidate is a member of the**

1 **political party for the candidate's claimed affiliation to be valid.**  
 2 **The petition of nomination must inform candidates how political**  
 3 **party affiliation is determined under this subsection. A certification**  
 4 **required by a political party chairman under this subsection must**  
 5 **be attached to the petition of nomination.**

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

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

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

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

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

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

- 1           **(2) The county chairman of:**
- 2                 **(A) the political party with which the candidate claims**
- 3                 **affiliation; and**
- 4                 **(B) the county in which the candidate resides;**
- 5                 **did not certify that the candidate is a member of the political**
- 6                 **party with which the candidate claims affiliation.**

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

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

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

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

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

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

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

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

- 34                 **(1) section 4 of this chapter; or**
- 35                 **(2) section 5 of this chapter.**
- 36           **(b) A resolution adopted under this section must:**
- 37                 **(1) state the first year that members of the school board are**
- 38                 **to be elected as provided in this chapter; and**

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

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

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

10           (1) five hundred (500) voters residing within the school  
11           corporation; or

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

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

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

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

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

27           (c) 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.

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

1 than August 1 before the next general election.

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

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

12 (e) 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 5 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 candidates for election to the \_\_\_\_\_  
18 (insert the name of the school corporation) school board be  
19 nominated in the same fashion as candidates for partisan  
20 offices and shall the general election ballot for election of  
21 members of the school board indicate the political party with  
22 which each candidate is affiliated, if any?"

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

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

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

33 (1) a resolution is adopted under section 2(a)(1) of this  
34 chapter; or

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

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

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

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

- 3 (A) affiliated with a political party; or
- 4 (B) an independent candidate.

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

6 (1) a resolution is adopted under section 2(a)(2) of this  
7 chapter; or

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

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

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

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

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

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

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

25 (b) This chapter:

26 (1) applies to a candidate for a school board office of a school  
27 corporation if IC 3-8-2.7 applies to the nomination and  
28 election of the candidates for the school corporation's school  
29 board offices; and

30 (2) does not apply to a candidate for a school board office of a  
31 school corporation if IC 3-8-2.7 does not apply to the  
32 nomination of the candidates for the school corporation's  
33 school board offices.

34 SECTION 10. IC 3-8-7-28, AS AMENDED BY P.L.216-2015,  
35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JANUARY 1, 2024]: Sec. 28. (a) Except as provided in subsections (b)  
37 and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or  
38 IC 3-10-1 desires to withdraw as the nominee, the nominee must file a



1 notice of withdrawal in writing with the public official with whom the  
2 certificate of nomination was filed by noon **of the following dates:**

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

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

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

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

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

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

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

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

24 Delete pages 2 through 3.

25 Page 4, delete lines 1 through 40.

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

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

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

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

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

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

- 1 Page 25, line 32, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
2 **3-8-2.5 or IC 3-8-2.7**,".
- 3 Page 31, line 12, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
4 **3-8-2.5 or IC 3-8-2.7**,".
- 5 Page 34, line 4, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5**  
6 **or IC 3-8-2.7**,".
- 7 Page 34, line 25, 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 35, line 13, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
10 **3-8-2.5 or IC 3-8-2.7**,".
- 11 Page 36, line 24, 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 37, line 17, 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 38, line 2, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5**  
16 **or IC 3-8-2.7**,".
- 17 Page 39, line 7, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC 3-8-2.5**  
18 **or IC 3-8-2.7**,".
- 19 Page 39, line 36, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
20 **3-8-2.5 or IC 3-8-2.7**,".
- 21 Page 40, line 20, delete "IC 3-8-2 or IC 3-8-6," and insert "**IC**  
22 **3-8-2.5 or IC 3-8-2.7**,".
- 23 Renumber all SECTIONS consecutively.  
(Reference is to HB 1428 as introduced.)

**and when so amended that said bill do pass.**

**Representative Wesco**