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# HOUSE BILL No. 1428

AM142803 has been incorporated into introduced printing.

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**Synopsis:** School board elections.

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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.

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# 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
- 2 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 44. **(a)** "School
- 3 board" means the ~~fiscal~~ **governing** body of a school corporation **(as**
- 4 **defined in 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
- 7 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 45. **(a)** "School
- 8 board office" refers to an elected position on the school board of a
- 9 school corporation.
- 10 **(b) The term includes an elected school advisory board office.**
- 11 SECTION 3. IC 3-8-2-2 IS AMENDED TO READ AS FOLLOWS
- 12 [EFFECTIVE JANUARY 1, 2024]: Sec. 2. ~~A person~~ **An individual**
- 13 who desires to be nominated at a primary election as a candidate of a
- 14 political party subject to this chapter for a federal, state, legislative, ~~or~~
- 15 local, **or school board** office shall file a declaration of candidacy.



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

5 SECTION 5. IC 3-8-2.5-2.7 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JANUARY 1, 2024]: Sec. 2.7. (a) **This section applies**  
 8 **only if IC 3-8-2.7-4 applies to the nomination and election of a**  
 9 **school corporation's school board members.**

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

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

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

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

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

32 (1) **the political party with which the candidate claims**  
 33 **affiliation; and**

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

35 **must certify in writing that the candidate is a member of the**  
 36 **political party for the candidate's claimed affiliation to be valid.**  
 37 **The petition of nomination must inform candidates how political**  
 38 **party affiliation is determined under this subsection. A certification**  
 39 **required by a political party chairman under this subsection must**  
 40 **be attached to the petition of nomination.**

41 SECTION 6. IC 3-8-2.5-7, AS ADDED BY P.L.194-2013,  
 42 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JANUARY 1, 2024]: Sec. 7. (a) A person may not be selected as a  
 2 candidate by petition of nomination without giving written consent and  
 3 having it filed with the public official with whom certificates and  
 4 petitions of nomination are required to be filed.

5 (b) Each candidate nominated by petition of nomination for a  
 6 school board office must satisfy all statutory eligibility requirements for  
 7 the office for which the candidate is nominated, including the filing of  
 8 statements of economic interest.

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

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

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

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

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

34 **(A) the political party with which the candidate claims**  
 35 **affiliation; and**

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

39 **If the candidate produces a copy of the certification of the county**  
 40 **chairman of the political party with which the candidate claims**  
 41 **affiliation at the time the candidate filed the petition, the claim of**  
 42 **a challenger under this subsection is conclusively rebutted.**

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

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

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

12 **Chapter 2.7. Nomination and Election of School Board**  
 13 **Candidates by Partisan Process**

14 **Sec. 1. This chapter applies to the nomination and election of**  
 15 **candidates for election to a school board if either of the following**  
 16 **apply:**

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

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

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

24 (1) section 4 of this chapter; or

25 (2) section 5 of this chapter.

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

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

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

31 (c) If the school board adopts a resolution under this section,  
 32 the school board shall certify adoption of the resolution to the  
 33 circuit court clerk of the county in which the greatest percentage  
 34 of population of the school corporation resides before January 1 of  
 35 the year that the next election for school board members will be  
 36 held.

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

38 (1) five hundred (500) voters residing within the school  
 39 corporation; or

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

42 sign a petition requesting that a public question be placed on the

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1 ballot at a general election as provided in this section, the county  
2 election board shall place the public question on the ballot as  
3 provided in this section.

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

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

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

13 (c) The following apply to the petition process under this  
14 section:

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

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

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

21 (C) After the individual who circulates a copy of the  
22 petition collects and files the signed petition copy, that  
23 individual must swear or affirm before a notary public  
24 that the individual witnessed each signature.

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

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

33 (4) The county voter registration office shall determine  
34 whether each individual who signed a copy of the petition is  
35 a registered voter who resides within the school corporation.  
36 However, after the county voter registration office has  
37 determined that at least five hundred twenty-five (525)  
38 individuals who signed the petition are registered voters  
39 within the school corporation, the county voter registration  
40 office is not required to verify whether the remaining  
41 individuals who signed the petition are registered voters.

42 (5) The county voter registration office shall determine, not

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1 later than July 15, whether a sufficient number of voters who  
 2 are residents of the school corporation have signed the  
 3 petition under this section. If the name of an individual who  
 4 signs a petition copy as a registered voter contains a minor  
 5 variation from the name of the registered voter as set forth  
 6 in the records of the county voter registration office, the  
 7 signature is presumed to be valid, and there is a presumption  
 8 that the individual is entitled to sign the petition under this  
 9 section. In determining whether an individual is a registered  
 10 voter, the county voter registration office shall apply the  
 11 requirements and procedures used under this title to  
 12 determine whether an individual is a registered voter for  
 13 purposes of voting in an election. However, an individual is  
 14 not required to comply with the provisions concerning  
 15 providing proof of identification to be considered a  
 16 registered voter for purposes of this section.

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

22 (d) 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 4 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 the names of the candidates for election to the  
 28 \_\_\_\_\_ (insert the name of the school  
 29 corporation) school board be placed on the ballot to indicate  
 30 whether each candidate is affiliated with a political party or  
 31 is an independent candidate?"

32 (e) If the county voter registration office certifies a petition  
 33 requesting that the members of the school board be elected as  
 34 described in section 5 of this chapter, the county election board  
 35 shall place the following public question on the ballot at the next  
 36 general election in the precincts within the school corporation:

37 "Shall candidates for election to the \_\_\_\_\_  
 38 (insert the name of the school corporation) school board be  
 39 nominated in the same fashion as candidates for partisan  
 40 offices and shall the general election ballot for election of  
 41 members of the school board indicate the political party with  
 42 which each candidate is affiliated, if any?"



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

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

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

11 (1) a resolution is adopted under section 2(a)(1) of this  
 12 chapter; or

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

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

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

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

19 (A) affiliated with a political party; or

20 (B) an independent candidate.

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

22 (1) a resolution is adopted under section 2(a)(2) of this  
 23 chapter; or

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

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

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

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

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

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

38 (1) is an independent candidate; or

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

41 (b) This chapter:

42 (1) applies to a candidate for a school board office of a school

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

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

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

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

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

36          SECTION 10. IC 3-8-9-5, AS AMENDED BY P.L.278-2019,  
 37          SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38          JANUARY 1, 2024]: Sec. 5. An individual required to file a statement  
 39          under section 4 of this chapter shall file the statement as follows:

- 40           (1) With the individual's:
- 41           (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;

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- 1 (B) petition of nomination under ~~IC 3-8-2.5~~ or IC 3-8-6 for
- 2 an office described in IC 3-8-2-5 in a county with a separate
- 3 board of registration under IC 3-7-12 after certification by
- 4 the board of registration;
- 5 (C) petition of nomination under ~~IC 3-8-2.5~~ or IC 3-8-6 for
- 6 an office described in IC 3-8-2-5 in a county that does not
- 7 have a separate board of registration under IC 3-7-12;
- 8 (D) petition of nomination under IC 3-8-6 for an office
- 9 described in IC 3-8-2-5 after certification by the county
- 10 voter registration office;
- 11 (E) certificate of nomination under IC 3-10-2-15 or
- 12 IC 3-10-6-12;
- 13 (F) statement consenting to be a replacement candidate
- 14 under IC 3-8-6-17;
- 15 (G) declaration of intent to be a write-in candidate under
- 16 IC 3-8-2-2.5; or
- 17 (H) certificate of candidate selection under IC 3-13-1 or
- 18 IC 3-13-2.

19 (2) When the individual assumes a vacant elected office under  
 20 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, **IC 3-13-10.5-3**, or  
 21 IC 3-13-11. ~~or IC 20-23-4-30~~. A statement filed under this  
 22 subdivision must be filed not later than noon sixty (60) days after  
 23 the individual assumes the elected office.

24 SECTION 11. IC 3-10-1-4 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 4. (a) At a  
 26 primary election each political party subject to section 2 of this chapter  
 27 shall nominate its candidates for the following offices to be voted for  
 28 at the general election:

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

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

- 38 (1) vote on candidates for nomination as President of the United
- 39 States;
- 40 (2) elect delegates from each county to the party's state
- 41 convention; and

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1 (3) elect a precinct committeeman for each precinct in the county  
2 if precinct committeemen are to be elected under section 4.5 of  
3 this chapter.

4 SECTION 12. IC 3-10-1-18, AS AMENDED BY THE  
5 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL  
6 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JANUARY 1, 2024]: Sec. 18. (a) Except as provided by subsection (b),  
8 the names of all candidates for each office who have qualified under  
9 IC 3-8 shall be arranged in alphabetical order by surnames under the  
10 designation of the office.

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

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

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

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1 SECTION 13. IC 3-10-1-19, AS AMENDED BY P.L.278-2019,  
2 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2024]: Sec. 19. (a) The ballot for a primary election shall  
4 be printed in substantially the form described in this section for all the  
5 offices for which candidates have qualified under IC 3-8.

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

8 "OFFICIAL PRIMARY BALLOT

9 \_\_\_\_\_ Party (insert the name of the political party)".

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

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

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

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

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

25 (d) Local public questions shall be placed on the primary election  
26 ballot after the heading and the voting instructions described in  
27 subsection (c) (if the instructions are printed on the ballot) and before  
28 the offices described in subsection (g).

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

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

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

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

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

39 (B) After the heading and the voting instructions described  
40 in subsection (c) (if the instructions are printed on the  
41 ballot) and before the offices described in subsection (g), in

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- 1 the form specified in IC 3-11-14-3.5.
- 2 (f) A public question shall be placed on the primary election ballot
- 3 in the following form:
- 4 (The explanatory text for the public question,
- 5 if required by law.)
- 6 "Shall (insert public question)?"
- 7  YES
- 8  NO
- 9 (g) The offices with candidates for nomination shall be placed on
- 10 the primary election ballot in the following order:
- 11 (1) Federal and state offices:
- 12 (A) President of the United States.
- 13 (B) United States Senator.
- 14 (C) Governor.
- 15 (D) United States Representative.
- 16 (2) Legislative offices:
- 17 (A) State senator.
- 18 (B) State representative.
- 19 (3) Circuit offices and county judicial offices:
- 20 (A) Judge of the circuit court, and unless otherwise
- 21 specified under IC 33, with each division separate if there
- 22 is more than one (1) judge of the circuit court.
- 23 (B) Judge of the superior court, and unless otherwise
- 24 specified under IC 33, with each division separate if there
- 25 is more than one (1) judge of the superior court.
- 26 (C) Judge of the probate court.
- 27 (D) Prosecuting attorney.
- 28 (E) Circuit court clerk.
- 29 (4) County offices:
- 30 (A) County auditor.
- 31 (B) County recorder.
- 32 (C) County treasurer.
- 33 (D) County sheriff.
- 34 (E) County coroner.
- 35 (F) County surveyor.
- 36 (G) County assessor.
- 37 (H) County commissioner.
- 38 (I) County council member.
- 39 (5) Township offices:
- 40 (A) Township assessor (only in a township referred to in
- 41 IC 36-6-5-1(d)).

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- 1 (B) Township trustee.
- 2 (C) Township board member.
- 3 (D) Judge of the small claims court.
- 4 (E) Constable of the small claims court.
- 5 (6) City offices:
- 6 (A) Mayor.
- 7 (B) Clerk or clerk-treasurer.
- 8 (C) Judge of the city court.
- 9 (D) City-county council member or common council
- 10 member.
- 11 (7) Town offices:
- 12 (A) Clerk-treasurer.
- 13 (B) Judge of the town court.
- 14 (C) Town council member.
- 15 **(8) School board offices, if the school board offices are**
- 16 **subject to IC 3-8-2.7-5.**
- 17 (h) The political party offices with candidates for election shall be
- 18 placed on the primary election ballot in the following order after the
- 19 offices described in subsection (g):
- 20 (1) Precinct committeeman.
- 21 (2) State convention delegate.
- 22 (i) The local offices to be elected at the primary election shall be
- 23 placed on the primary election ballot after the offices described in
- 24 subsection (h).
- 25 (j) The offices described in subsection (i) shall be placed as
- 26 follows:
- 27 (1) In a separate column on the ballot if voting is by paper ballot.
- 28 (2) After the offices described in subsection (h) in the form
- 29 specified in IC 3-11-13-11 if voting is by ballot card.
- 30 (3) Either:
- 31 (A) on a separate screen for each office or public question;
- 32 or
- 33 (B) after the offices described in subsection (h) in the form
- 34 specified in IC 3-11-14-3.5;
- 35 if voting is by an electronic voting system.
- 36 SECTION 14. IC 3-10-8-1, AS AMENDED BY P.L.219-2013,
- 37 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JANUARY 1, 2024]: Sec. 1. A special election shall be held in the
- 39 following cases:
- 40 (1) Whenever two (2) or more candidates for a federal, state,
- 41 legislative, ~~or circuit or school board~~ office receive the ~~highest~~

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- 1 **greatest** and an equal number of votes for the office, except as
- 2 provided in Article 5, Section 5 of the Constitution of the State
- 3 of Indiana. ~~or in IC 20.~~
- 4 (2) Whenever a vacancy occurs in the office of United States
- 5 Senator, as provided in IC 3-13-3-1.
- 6 (3) Whenever a vacancy occurs in the office of United States
- 7 Representative unless the vacancy occurs less than seventy-four
- 8 (74) days before a general election.
- 9 (4) Whenever a vacancy occurs in any local office the filling of
- 10 which is not otherwise provided by law.
- 11 (5) Whenever required by law for a public question.
- 12 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
- 13 recount commission under IC 3-12-11-18.
- 14 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
- 15 legislative office unless the vacancy occurs less than
- 16 seventy-four (74) days before a general election.
- 17 SECTION 15. IC 3-11-2-12, AS AMENDED BY P.L.109-2021,
- 18 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JANUARY 1, 2024]: Sec. 12. The following offices shall be placed on
- 20 the general election ballot in the following order after the public
- 21 questions described in section 10(a) of this chapter:
- 22 (1) Federal and state offices:
- 23 (A) President and Vice President of the United States.
- 24 (B) United States Senator.
- 25 (C) Governor and lieutenant governor.
- 26 (D) Secretary of state.
- 27 (E) Auditor of state.
- 28 (F) Treasurer of state.
- 29 (G) Attorney general.
- 30 (H) United States Representative.
- 31 (2) Legislative offices:
- 32 (A) State senator.
- 33 (B) State representative.
- 34 (3) Circuit offices and county judicial offices:
- 35 (A) Judge of the circuit court, and unless otherwise
- 36 specified under IC 33, with each division separate if there
- 37 is more than one (1) judge of the circuit court.
- 38 (B) Judge of the superior court, and unless otherwise
- 39 specified under IC 33, with each division separate if there
- 40 is more than one (1) judge of the superior court.
- 41 (C) Judge of the probate court.

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- 1 (D) Prosecuting attorney.
- 2 (E) Clerk of the circuit court.
- 3 (4) County offices:
- 4 (A) County auditor.
- 5 (B) County recorder.
- 6 (C) County treasurer.
- 7 (D) County sheriff.
- 8 (E) County coroner.
- 9 (F) County surveyor.
- 10 (G) County assessor.
- 11 (H) County commissioner.
- 12 (I) County council member.
- 13 (5) Township offices:
- 14 (A) Township assessor (only in a township referred to in
- 15 IC 36-6-5-1(d)).
- 16 (B) Township trustee.
- 17 (C) Township board member.
- 18 (D) Judge of the small claims court.
- 19 (E) Constable of the small claims court.
- 20 (6) City offices:
- 21 (A) Mayor.
- 22 (B) Clerk or clerk-treasurer.
- 23 (C) Judge of the city court.
- 24 (D) City-county council member or common council
- 25 member.
- 26 (7) Town offices:
- 27 (A) Clerk-treasurer.
- 28 (B) Judge of the town court.
- 29 (C) Town council member.
- 30 **(8) School board offices.**
- 31 SECTION 16. IC 3-11-2-12.4, AS AMENDED BY P.L.109-2021,
- 32 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JANUARY 1, 2024]: Sec. 12.4. (a) This section applies whenever more
- 34 than one (1) candidate may be elected to an office.
- 35 (b) The office shall be placed on the general election ballot after
- 36 the offices described in section 12 of this chapter. ~~and before the~~
- 37 ~~offices described in section 12.9 of this chapter.~~
- 38 (c) Whenever candidates are to be elected to a county council, city
- 39 common council, or town council that includes both an at-large
- 40 member and a member representing a district, the candidates seeking
- 41 election as an at-large member shall be placed on the ballot before

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1 candidates seeking to represent a district.

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

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

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

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

20 SECTION 18. IC 3-11-2-13, AS AMENDED BY P.L.190-2011,  
21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JANUARY 1, 2024]: Sec. 13. (a) The following offices shall be placed  
23 on the general election ballot in the following order after the offices  
24 described in section 12.9 12.4 of this chapter:

- 25 (1) Retention of a justice of the supreme court.
- 26 (2) Retention of a judge of the court of appeals.
- 27 (3) Retention of the judge of the tax court.

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

32 (c) Whenever more than one (1) judge of the court of appeals is  
33 subject to retention, the name of each judge must appear on the ballot  
34 in alphabetical order. However, if the judge serving as chief judge is  
35 subject to retention, the chief judge's name must appear first.

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

38 SECTION 19. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,  
39 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JANUARY 1, 2024]: Sec. 4. (a) Except as provided in subsection (b),  
41 a ballot card voting system must permit a voter to vote:

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- 1 (1) except at a primary election, a straight party ticket for all of
- 2 the candidates of one (1) political party by a single voting mark
- 3 on each ballot card;
- 4 (2) for one (1) or more candidates of each political party or
- 5 independent candidates, or for one (1) or more school board
- 6 candidates nominated by petition;
- 7 (3) a split ticket for the candidates of different political parties
- 8 and for independent candidates; or
- 9 (4) a straight party ticket and then split that ticket by casting
- 10 individual votes for candidates of another political party or
- 11 independent candidate.
- 12 (b) A ballot card voting system must require that a voter who
- 13 wishes to cast a ballot for a candidate for election to an at-large district
- 14 to which more than one person may be elected, on a:
- 15 (1) county council;
- 16 (2) city common council;
- 17 (3) town council; ~~or~~
- 18 (4) township board; **or**
- 19 **(5) school board;**
- 20 make a voting mark for each individual candidate for whom the voter
- 21 wishes to cast a vote. The ballot card voting system may not count any
- 22 straight party ticket voting mark as a vote for any candidate for an
- 23 office described by this subsection.
- 24 (c) A ballot card voting system must permit a voter to vote:
- 25 (1) for all candidates for presidential electors and alternate
- 26 presidential electors of a political party or an independent ticket
- 27 by making a single voting mark; and
- 28 (2) for or against a public question on which the voter may vote.
- 29 SECTION 20. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
- 30 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JANUARY 1, 2024]: Sec. 10. (a) Except as provided in subsection (b),
- 32 an electronic voting system must permit a voter to vote:
- 33 (1) except at a primary election, a straight party ticket for all the
- 34 candidates of one (1) political party by touching the device of
- 35 that party;
- 36 (2) for one (1) or more candidates of each political party or
- 37 independent candidates, or for one (1) or more school board
- 38 candidates nominated by petition;
- 39 (3) a split ticket for the candidates of different political parties
- 40 and for independent candidates; or
- 41 (4) a straight party ticket and then split that ticket by casting

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

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1 may be of any size that permits a voter to readily identify the device.  
 2 IC 3-11-2-5 applies if the certification or petition does not include a  
 3 name or device, or if the same device is selected by two (2) or more  
 4 parties or petitioners.

5 (e) The offices and public questions on the general election ballot  
 6 must be placed on the ballot in the order listed in IC 3-11-2-12,  
 7 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);~~  
 8 ~~IC 3-11-2-12.9(c);~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),  
 9 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). The offices and  
 10 public questions may be listed in a continuous column either vertically  
 11 or horizontally and on a number of separate pages.

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

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

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

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

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

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

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

36 (4) If a political party did not have a candidate for secretary of  
 37 state in the last election or a nominee is an independent  
 38 candidate or independent ticket (described in IC 3-11-2-6), the  
 39 party or candidate is listed after the parties described in  
 40 subdivisions (1), (2), and (3).

41 (5) If more than one (1) political party or independent candidate

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

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1 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),  
2 and IC 3-11-2-10(e).

3 ~~(h)~~ **(k)** The ballot must include a single connectable arrow, circle,  
4 oval, or square, or a voting position for voting a straight party or an  
5 independent ticket (described in IC 3-11-2-6) by one (1) mark as  
6 required by section 14 of this chapter, and the single connectable  
7 arrow, circle, oval, or square, or the voting position for casting a  
8 straight party or an independent ticket ballot must be identified by:

9 (1) the name of the political party or independent ticket  
10 (described in IC 3-11-2-6); and

11 (2) immediately below or beside the political party's or  
12 independent ticket's name, the device of that party or ticket  
13 (described in IC 3-11-2-5).

14 The name and device of each political party or independent ticket must  
15 be of uniform size and type and arranged in the order established by  
16 subsection (g) for listing candidates under each office. The instructions  
17 described in IC 3-11-2-10(c) for voting a straight party ticket and the  
18 statement concerning presidential electors required under IC 3-10-4-3  
19 must be placed on the ballot label. The instructions for voting a straight  
20 party ticket must include the statement: "If you do not wish to vote a  
21 straight party ticket, do not make a mark in this section and proceed to  
22 voting the ballot by office."

23 ~~(m)~~ **(l)** A public question must be in the form described in  
24 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable  
25 arrow, a circle, or an oval may be used instead of a square. Except as  
26 expressly authorized or required by statute, a county election board  
27 may not print a ballot card that contains language concerning the public  
28 question other than the language authorized by a statute.

29 ~~(n)~~ **(m)** The requirements in this section:

30 (1) do not replace; and

31 (2) are in addition to;

32 any other requirements in this title that apply to optical scan ballots.

33 ~~(o)~~ **(n)** The procedure described in IC 3-11-2-16 must be used  
34 when a ballot does not comply with the requirements imposed by this  
35 title or contains another error or omission that might result in confusion  
36 or mistakes by voters.

37 ~~(p)~~ **(o)** This subsection applies to an optical scan ballot that does  
38 not list:

39 (1) the names of political parties or candidates; or

40 (2) the text of public questions;

41 on the face of the ballot. The ballot must be prepared in accordance

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1 with this section, except that the ballot must include a numbered circle  
2 or oval to refer to each political party, candidate, or public question.

3 SECTION 22. IC 3-11-14-3.5, AS AMENDED BY P.L.193-2021,  
4 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JANUARY 1, 2024]: Sec. 3.5. (a) Each county election board shall  
6 have the names of all candidates for all elected offices, political party  
7 offices, and public questions printed on ballot labels for use in an  
8 electronic voting system as provided in this chapter.

9 (b) The county may:

- 10 (1) print all offices and public questions on a single ballot label;  
11 and  
12 (2) include a ballot variation code to ensure that the proper  
13 version of a ballot label is used within a precinct.

14 (c) Each type of ballot label must be of uniform size and of the  
15 same quality and color of paper (except as permitted under  
16 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  
26 the 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  
34 bold 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  
40 be elected) candidate(s) for this office. To vote for any candidate  
41 for this office, you must make a voting mark for each candidate

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

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1 is independent, must be placed immediately below or beside the name  
2 of the candidate and must be printed in uniform size and type.

3 (i) All the candidates of the same political party for election to  
4 at-large seats on the fiscal or legislative body of a political subdivision  
5 must be grouped together:

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

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

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

- 16 ~~(1) under the name of the office that the candidates are seeking;  
17 and  
18 (2) in alphabetical order according to surname.~~

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

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

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

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

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

- 36 (1) the name of the political party or independent ticket; and  
37 (2) immediately below or beside the political party's or  
38 independent ticket's name, the device of that party or ticket  
39 (described in IC 3-11-2-5).

40 The name and device of each party or ticket must be of uniform size  
41 and type, and arranged in the order established by subsection (g) for

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1 listing candidates under each office. The instructions described in  
 2 IC 3-11-2-10(c) for voting a straight party ticket and the statement  
 3 concerning presidential electors required under IC 3-10-4-3 must be  
 4 placed on the ballot label. The instructions for voting a straight party  
 5 ticket must include the statement: "If you do not wish to vote a straight  
 6 party ticket, press "NEXT" (or replace "NEXT" with the term used by  
 7 that voting system to permit a voter to skip a ballot screen) to continue  
 8 voting."

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

15 ~~(o)~~ **(n)** The requirements in this section:

- 16 (1) do not replace; and  
 17 (2) are in addition to;

18 any other requirements in this title that apply to ballots for electronic  
 19 voting systems.

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

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

29 SECTION 24. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,  
 30 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JANUARY 1, 2024]: Sec. 7. (a) This subsection applies whenever a  
 32 voter:

- 33 (1) votes a straight party ticket; and  
 34 (2) votes only for one (1) or more individual candidates who are  
 35 all of the same political party as the straight ticket vote.

36 Except as provided in subsection (d) or (e), the straight ticket vote shall  
 37 be counted and the individual candidate votes may not be counted.

38 (b) This subsection applies whenever:

- 39 (1) a voter has voted a straight party ticket for the candidates of  
 40 one (1) political party;  
 41 (2) only one (1) person may be elected to an office; and

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- 1 (3) the voter has voted for one (1) individual candidate for the
- 2 office described in subdivision (2) who is:
- 3 (A) a candidate of a political party other than the party for
- 4 which the voter voted a straight ticket; or
- 5 (B) an independent candidate or declared write-in candidate
- 6 for the office.

7 If the voter has voted for one (1) individual candidate for the office  
 8 described in subdivision (2), the individual candidate vote for that  
 9 office shall be counted, the straight party ticket vote for that office may  
 10 not be counted, and the straight party ticket votes for other offices on  
 11 the ballot shall be counted.

- 12 (c) This subsection applies whenever:
- 13 (1) a voter has voted a straight party ticket for the candidates of
- 14 one (1) political party; and
- 15 (2) the voter has voted for more individual candidates for the
- 16 office than the number of persons to be elected to that office.

17 The individual candidate votes for that office may not be counted, the  
 18 straight party ticket vote for that office may not be counted, and the  
 19 straight party ticket votes for other offices on the ballot shall be  
 20 counted.

- 21 (d) This subsection applies whenever:
- 22 (1) a voter has voted a straight party ticket for the candidates of
- 23 one (1) political party;
- 24 (2) more than one (1) person may be elected to an office; and
- 25 (3) the voter has voted for individual candidates for the office
- 26 described in subdivision (2) who are:

- 27 (A) independent candidates or declared write-in candidates;
- 28 (B) candidates of a political party other than the political
- 29 party for which the voter cast a straight party ticket under
- 30 subdivision (1); or
- 31 (C) a combination of candidates described in clauses (A)
- 32 and (B).

33 The individual votes cast by the voter for the office for the independent  
 34 candidates, declared write-in candidates, and the candidates of a  
 35 political party other than the political party for which the voter cast a  
 36 straight party ticket shall be counted unless the total number of these  
 37 individual votes is greater than the number of persons to be elected to  
 38 the office. The straight party ticket votes for the office shall not be  
 39 counted. The straight party ticket votes for other offices on the voter's  
 40 ballot shall be counted.

- 41 (e) This subsection applies whenever:

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1 (1) a voter has voted a straight party ticket for the candidates of  
 2 one (1) political party;  
 3 (2) more than one (1) person may be elected to an office; and  
 4 (3) the voter has voted for individual candidates for the office  
 5 described in subdivision (2) who are:

6 (A) independent candidates, declared write-in candidates,  
 7 or candidates of a political party other than the political  
 8 party for which the voter cast a straight party ticket under  
 9 subdivision (1); and

10 (B) candidates of the same political party for which the  
 11 voter cast a straight party ticket under subdivision (1).

12 The individual votes cast by the voter for the office for the independent  
 13 candidates, the declared write-in candidates, and the candidates of a  
 14 political party other than the political party for which the voter cast a  
 15 straight party ticket, and the candidates of the political party for which  
 16 the voter cast a straight party ticket shall be counted unless the total  
 17 number of these individual votes is greater than the number of persons  
 18 to be elected to the office. The straight party ticket votes for the office  
 19 shall not be counted. The straight party ticket votes for other offices on  
 20 the voter's ballot shall be counted.

21 (f) If a voter votes a straight party ticket for more than one (1)  
 22 political party, the whole ballot is void with regard to all candidates  
 23 nominated by a political party, declared write-in candidates, or  
 24 candidates designated as independent candidates on the ballot.  
 25 However, the voter's vote for a school board candidate or on a public  
 26 question shall be counted if otherwise valid under this chapter.

27 (g) If a voter does not vote a straight party ticket and the number  
 28 of votes cast by that voter for the candidates for an office are less than  
 29 or equal to the number of openings for that office, the individual  
 30 candidates votes shall be counted.

31 (h) If a voter does not vote a straight party ticket and the number  
 32 of votes cast by that voter for an office exceeds the number of openings  
 33 for that office, none of the votes concerning that office may be counted.

34 SECTION 25. IC 3-12-9-3, AS AMENDED BY P.L.230-2005,  
 35 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JANUARY 1, 2024]: Sec. 3. Whenever a circuit court clerk receives  
 37 certification that a tie vote at an election for a local office or a school  
 38 board office occurred, the clerk shall immediately send a written notice  
 39 of the tie vote to **the following:**

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

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

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

6 SECTION 26. IC 3-12-9-4, AS AMENDED BY P.L.85-2017,  
7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JANUARY 1, 2024]: Sec. 4. **(a) This section does not apply if a tie  
9 vote occurred in an election for a school board office.**

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

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

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

28 ~~(d)~~ **(e)** The executive of the political subdivision (other than a  
29 town or a school corporation) may cast the deciding vote to break a tie  
30 vote in a fiscal body acting under this section. The clerk-treasurer of  
31 the town may cast the deciding vote to break a tie vote in a town fiscal  
32 body acting under this section. ~~A tie vote in the fiscal body of a school  
33 corporation under this section shall be broken under IC 20-23.~~

34 SECTION 27. IC 3-12-9-5 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. Whenever a tie  
36 vote at an election for:

- 37 (1) a state office; **or**
- 38 (2) a local office; **or**
- 39 ~~(3) a school board office;~~

40 occurs, the incumbent public official remains in office in accordance  
41 with Article 15, Section 3 of the Constitution of the State of Indiana

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1 until a successor is elected under this chapter and qualified.

2 SECTION 28. IC 3-13-10.5 IS ADDED TO THE INDIANA  
3 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
4 [EFFECTIVE JANUARY 1, 2024]:

5 **Chapter 10.5. School Corporation Governing Body; Resolving**  
6 **Tie Votes; Filling Vacancies**

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

9 (1) The governing body of a school corporation.

10 (2) The school advisory body of a school corporation.

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

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

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

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

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

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

34 **Sec. 3. (a) A vacancy on the governing body in an office that**  
35 **was last held by an individual elected or selected as a candidate of**  
36 **a major political party of Indiana shall be filled by a caucus under**  
37 **IC 3-13-11. For purposes of IC 3-13-11, an individual elected as**  
38 **provided under IC 3-8-2.7-4 who is designated as being affiliated**  
39 **with a major political party is considered to have been elected or**  
40 **selected as a candidate of that major political party.**

41 (b) A vacancy on the governing body in an office that was last  
42 held by an individual elected as a candidate other than as a

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1 **candidate of a major political party of Indiana shall be filled as**  
 2 **provided in IC 20-26-4.**

3 SECTION 29. IC 20-23-4-29.1, AS ADDED BY P.L.179-2011,  
 4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JANUARY 1, 2024]: Sec. 29.1. (a) This section applies to each school  
 6 corporation.

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

15 (1) **The plan determines whether members are elected:**

16 (A) **by all the voters of the school corporation;**

17 (B) **by all the voters of the school corporation from**  
 18 **residence districts; or**

19 (C) **solely by the voters of each election district**  
 20 **established under the plan.**

21 (2) **IC 3 governs the nomination and election of members of**  
 22 **the governing body. A candidate must be nominated as**  
 23 **provided in IC 3-8-2.5 or IC 3-8-2.7, whichever is applicable**  
 24 **to the particular candidate.**

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

34 (d) If the plan provides that the members of the governing body  
 35 shall be elected by all the voters of the community school corporation,  
 36 candidates shall be placed on the ballot in the form prescribed by  
 37 IC 3-11-2, without party designation. The candidates who receive the  
 38 most votes are elected.

39 (e) If the plan provides that members of the governing body are to  
 40 be elected from residence districts by all voters in the community  
 41 school corporation, nominees for the governing body shall be placed on  
 42 the ballot in the form prescribed by IC 3-11-2, by residence districts



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1 without party designation. The ballot must state the number of  
2 members to be voted on and the maximum number of members that  
3 may be elected from each residence district as provided in the plan. A  
4 ballot is not valid if more than the maximum number of members are  
5 voted on from a board member residence district. The candidates who  
6 receive the most votes are elected. However, if more than the  
7 maximum number that may be elected from a residence district are  
8 among those receiving the most votes, the candidates from the  
9 residence districts exceeding the maximum number who receive the  
10 fewest votes shall be eliminated in determining the candidates who are  
11 elected.

12 (f) If the plan provides that members of the governing body are to  
13 be elected from electoral districts solely by the voters of each district,  
14 nominees residing in each electoral district shall be placed on the ballot  
15 in the form prescribed by IC 3-11-2; without party designation. The  
16 ballot must state the number of members to be voted on from the  
17 electoral district. The candidates residing in the electoral district who  
18 receive the most votes are elected.

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

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

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

32 (d) If there is a vacancy on the governing body, whether the  
33 vacating member was elected or appointed, ~~the remaining members of~~  
34 ~~the governing body, whether or not a majority of the governing body,~~  
35 ~~shall by a majority vote fill the vacancy by appointing a person from~~  
36 ~~within the boundaries of the community school corporation to serve for~~  
37 ~~the term or balance of the term. An individual appointed under this~~  
38 ~~subsection must possess the qualifications provided for a regularly~~  
39 ~~elected or appointed governing body member filling the office. If:~~

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

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1 (2) the governing body fails to act within thirty (30) days after  
2 any vacancy occurs;  
3 the judge of the circuit court in the county where the majority of  
4 registered voters of the school corporation reside shall make the  
5 appointment: the vacancy shall be filled as provided in  
6 IC 3-13-10.5-3.

7 (d) (e) A vacancy in the governing body occurs if a member ceases  
8 to be a resident of any the community school corporation. A vacancy  
9 does not occur when the member moves from a district of the school  
10 corporation from which the member was elected or appointed if the  
11 member continues to be a resident of the school corporation.

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

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

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

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

22 (f) (g) Elected governing body members take office and assume  
23 their duties on the date set in the school corporation's organization plan.  
24 The date set in the organization plan for an elected member of the  
25 governing body to take office may not be more than fourteen (14)  
26 months after the date of the member's election. If the school  
27 corporation's organization plan does not set a date for an elected  
28 member of the governing body to take office, the member takes office  
29 January 1 immediately after the member's election.

30 SECTION 31. IC 20-23-4-35, AS AMENDED BY P.L.169-2022,  
31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JANUARY 1, 2024]: Sec. 35. (a) The governing body of a school  
33 corporation may be organized under this section.

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

36 (1) Four (4) members elected from districts, with one (1)  
37 member serving from each election district. A member elected  
38 under this subdivision must be:

39 (A) a resident of the election district from which the  
40 member is elected; and

41 (B) voted upon by only the registered voters residing within

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- 1 the election district and voting at a governing body election.
- 2 (2) Three (3) members, who are voted upon by all the registered
- 3 voters residing within the school corporation and voting at a
- 4 governing body election, elected under this subdivision. The
- 5 governing body shall establish three (3) residential districts as
- 6 follows:
- 7 (A) One (1) residential district must be the township that
- 8 has the greatest population within the school corporation.
- 9 (B) Two (2) residential districts must divide the remaining
- 10 area within the school corporation.
- 11 Only one (1) member who resides within a particular residential
- 12 district established under this subdivision may serve on the
- 13 governing body at a time.
- 14 (c) A member of the governing body who is:
- 15 (1) elected from an election or a residential district; or
- 16 (2) appointed to fill a vacancy from an election or a residential
- 17 district;
- 18 must reside within the boundaries of the district the member represents.
- 19 (d) A vacancy on the governing body shall be filled by the
- 20 governing body as soon as practicable after the vacancy occurs. A
- 21 member chosen by the governing body to fill a vacancy holds office for
- 22 the remainder of the unexpired term. **as provided in IC 3-13-10.5-3.**
- 23 (e) The members of the governing body serving at the time a plan
- 24 is amended under this section shall establish the election and
- 25 residential districts described in subsection (b).
- 26 (f) The election districts described in subsection (b)(1):
- 27 (1) shall be drawn on the basis of precinct lines;
- 28 (2) may not cross precinct lines; and
- 29 (3) as nearly as practicable, be of equal population, with the
- 30 population of the largest exceeding the population of the
- 31 smallest by not more than fifteen percent (15%).
- 32 (g) The residential districts described in subsection (b)(2) may:
- 33 (1) be drawn in any manner considered appropriate by the
- 34 governing body; and
- 35 (2) be drawn along township lines.
- 36 (h) The governing body shall certify the districts that are
- 37 established under subsections (f) and (g), amended under subsection
- 38 (e), or recertified under section 35.5 of this chapter to:
- 39 (1) the state board; and
- 40 (2) the circuit court clerk of each county in which the school
- 41 corporation is located as provided in section 35.5 of this chapter.

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- 1 (i) The governing body shall designate:
- 2 (1) three (3) of the districts established under this section to be
- 3 elected at the first school board election that occurs after the
- 4 effective date of the plan; and
- 5 (2) the remaining four (4) districts to be elected at the second
- 6 school board election that occurs after the effective date of the
- 7 plan.
- 8 (j) The limitations set forth in this section are part of the plan, but
- 9 do not have to be specifically set forth in the plan. The plan must be
- 10 construed, if possible, to comply with this chapter. If a provision of the
- 11 plan or an application of the plan violates this chapter, the invalidity
- 12 does not affect the other provisions or applications of the plan that can
- 13 be given effect without the invalid provision or application. The
- 14 provisions of the plan are severable.
- 15 (k) IC 3-5-10 applies to a plan established under this section.
- 16 SECTION 32. IC 20-23-4-44, AS AMENDED BY P.L.104-2022,
- 17 SECTION 120, IS AMENDED TO READ AS FOLLOWS
- 18 [EFFECTIVE JANUARY 1, 2024]: Sec. 44. (a) This section applies
- 19 only to a school corporation with territory in a county having a
- 20 population of more than one hundred eighty-five thousand (185,000)
- 21 and less than two hundred thousand (200,000).
- 22 (b) ~~This section applies~~ If there is a
- 23 ~~(1) tie vote in an election for a member of the governing body of~~
- 24 ~~a school corporation, or~~
- 25 ~~(2) vacancy on the governing body of a school corporation;~~
- 26 **the tie vote shall be resolved as provided in IC 3-13-10.5-2.**
- 27 (c) ~~Notwithstanding any other law, If a tie vote occurs among any~~
- 28 ~~of the candidates for the governing body or a vacancy occurs on the~~
- 29 ~~governing body, the remaining members of the governing body, even~~
- 30 ~~if the remaining members do not constitute a majority of the governing~~
- 31 ~~body, shall by a majority vote of the remaining members:~~
- 32 ~~(1) select one (1) of the candidates who shall be declared and~~
- 33 ~~certified elected; or~~
- 34 ~~(2) fill the vacancy by appointing an individual to fill the~~
- 35 ~~vacancy. the vacancy shall be filled as provided in~~
- 36 **IC 3-13-10.5-3.**
- 37 ~~(d) An individual appointed to fill a vacancy under subsection~~
- 38 ~~(c)(2):~~
- 39 ~~(1) must satisfy all the qualifications required of a member of the~~
- 40 ~~governing body; and~~
- 41 ~~(2) shall fill the remainder of the unexpired term of the vacating~~

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1 member.

2 (e) If a tie vote occurs among the remaining members of the

3 governing body or the governing body fails to act within thirty (30)

4 days after the election or the vacancy occurs, the fiscal body (as

5 defined in IC 3-5-2-25) of the township in which the greatest

6 percentage of population of the school district resides shall break the

7 tie or make the appointment. A member of the fiscal body who was a

8 candidate and is involved in a tie vote may not cast a vote under this

9 subsection.

10 (f) If the fiscal body of a township is required to act under this

11 section and a vote in the fiscal body results in a tie, the deciding vote

12 to break the tie vote shall be cast by the executive.

13 SECTION 33. IC 20-23-7-8.1, AS AMENDED BY P.L.219-2013,

14 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

15 JANUARY 1, 2024]: Sec. 8.1. (a) The registered voters of the

16 metropolitan school district shall elect the members of the metropolitan

17 board of education at general elections held biennially, beginning with

18 the next general election that is held more than sixty (60) days after the

19 creation of the metropolitan school district as provided in this chapter.

20 (b) Each nominee for the board must file a petition of nomination

21 signed by the nominee and by ten (10) registered voters residing in the

22 same board member district as the nominee. The petition must be filed

23 in accordance with IC 3-8-2.5 with the circuit court clerk of each

24 county in which the metropolitan school district is located.

25 (c) Nominees for the board shall be listed on the general election

26 ballot:

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

28 (2) by board member districts; and

29 (3) without party designation.

30 The ballot must state the number of board members to be voted on and

31 the maximum number of members that may be elected from each board

32 member district as provided under section 5 of this chapter. A ballot

33 that contains more votes than the maximum number allowed from a

34 board member district is invalid.

35 (d) The precinct election boards in each county serving at the

36 general election shall conduct the election for school board members.

37 (e) Voting and tabulation of votes shall be conducted in

38 accordance with IC 3; and the candidates who receive the most votes

39 are elected to the board.

40 (f) If there are more candidates from a particular board member

41 district than may be elected from the board member district under

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1 section 5 of this chapter:

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

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

6 (3) the other candidates from the board member district are  
7 eliminated.

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

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

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

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

24 (2) if the person was appointed; appointing a person from the  
25 board member district from which the last elected predecessor  
26 of the person was elected.

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

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

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

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

37 a successor to a board member appointed under subsection (h) shall be  
38 elected. Unless the successor takes office at the end of the term of the  
39 vacating member, the member shall serve only for the balance of the  
40 vacating member's term. In an election for a successor board member  
41 to fill a vacancy for a two (2) year balance of a term, candidates for

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

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

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

20 SECTION 34. IC 20-23-10-8, AS AMENDED BY P.L.233-2015,  
 21 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JANUARY 1, 2024]: Sec. 8. (a) The board members of a merged  
 23 school corporation shall be elected at the first general election  
 24 following the merged school corporation's creation, and vacancies shall  
 25 be filled in accordance with ~~IC 20-23-4-30~~ **IC 3-13-10.5-3**.

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

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

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

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1           (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  
6       districts 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  
14       this 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 36. 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~~  
35           ~~(74) days before the election at which the members are to be~~  
36           ~~elected 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~~

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1 district position:  
 2 (E) A certification that the prospective candidate meets the  
 3 qualifications for candidacy imposed by this chapter. **shall**  
 4 **be nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**  
 5 **whichever is applicable to the particular candidate.**  
 6 (2) Only eligible voters residing in the district may vote for a  
 7 candidate.  
 8 (3) The candidate within each district who receives the greatest  
 9 number of votes in the district is elected. **IC 3 governs the**  
 10 **nomination and election of members of the advisory board**  
 11 **under this subsection.**  
 12 (b) The at-large member elected under section 3(c) of this chapter  
 13 is determined as follows:  
 14 (1) Each prospective candidate must file a nomination petition  
 15 with the clerk of the circuit court at least seventy-four (74) days  
 16 before the election at which the at-large member is to be elected.  
 17 The petition must include the following information:  
 18 (A) The name of the prospective candidate.  
 19 (B) The signatures of at least one hundred (100) registered  
 20 voters residing within the school corporation.  
 21 (C) The fact that the prospective candidate is running for  
 22 the at-large position on the advisory board.  
 23 (D) A certification that the prospective candidate meets the  
 24 qualifications for candidacy imposed by this chapter. **shall**  
 25 **be nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**  
 26 **whichever is applicable to the candidate.**  
 27 (2) Only eligible voters residing in the school corporation may  
 28 vote for a candidate.  
 29 (3) The candidate who:  
 30 (A) runs for the at-large position on the advisory board; and  
 31 (B) receives the greatest number of votes in the school  
 32 corporation;  
 33 is elected to the at-large position. **IC 3 governs the nomination**  
 34 **and election of the member of the advisory board under this**  
 35 **subsection.**  
 36 SECTION 37. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011,  
 37 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JANUARY 1, 2024]: Sec. 2.1. (a) ~~As used in this section, "county~~  
 39 ~~election board"~~ includes a board of elections and registration  
 40 established under IC 3-6-5.2.  
 41 ~~(b)~~ (a) The voters of the school corporation shall elect the  
 42 members of the governing body at a general election for a term of four

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1 (4) years. The members shall be elected from the city at large without  
2 reference to district.

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

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

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

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

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

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

24 (1) in alphabetical order;

25 (2) without party designation; and

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

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

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

32 SECTION 38. IC 20-23-14-3, AS AMENDED BY P.L.271-2013,  
33 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JANUARY 1, 2024]: Sec. 3. (a) The governing body of the school  
35 corporation consists of five (5) members. ~~elected on a nonpartisan~~  
36 ~~basis.~~

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

40 (1) is elected from the school district in which the member  
41 resides; and

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- 1 (2) upon election and in conducting the business of the
- 2 governing body, represents the interests of the entire school
- 3 corporation.
- 4 (c) Two (2) of the members:
- 5 (1) are elected by eligible voters residing in the school
- 6 corporation;
- 7 (2) are at-large members of the governing body; and
- 8 (3) upon election and in conducting the business of the
- 9 governing body, represent the interests of the entire school
- 10 corporation.
- 11 SECTION 39. IC 20-23-14-5, AS AMENDED BY P.L.6-2012,
- 12 SECTION 127, IS AMENDED TO READ AS FOLLOWS
- 13 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. To be eligible to be a
- 14 candidate for the governing body under this chapter, the following
- 15 apply:
- 16 (1) Each ~~prospective candidate must file a petition of nomination~~
- 17 ~~with the board of elections and registration not earlier than one~~
- 18 ~~hundred four (104) days and not later than noon seventy-four~~
- 19 ~~(74) days before the general election at which the members are~~
- 20 ~~to be elected. The petition of nomination must include the~~
- 21 ~~following:~~
- 22 (A) ~~The name of the prospective candidate.~~
- 23 (B) ~~Whether the prospective candidate is a district~~
- 24 ~~candidate or an at-large candidate.~~
- 25 (C) ~~A certification that the prospective candidate meets the~~
- 26 ~~qualifications for candidacy imposed under this chapter.~~
- 27 (D) ~~The signatures of at least one hundred (100) registered~~
- 28 ~~voters residing in the school corporation. **for election shall**~~
- 29 ~~**be nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**~~
- 30 ~~**whichever is applicable to the particular candidate.**~~
- 31 (2) Each ~~prospective candidate for a district position must:~~
- 32 (A) ~~reside in the district; and~~
- 33 (B) ~~have resided in the district for at least the three (3) years~~
- 34 ~~immediately preceding the election.~~
- 35 (3) Each ~~prospective candidate for an at-large position must:~~
- 36 (A) ~~reside in the school corporation; and~~
- 37 (B) ~~have resided in the school corporation for at least the~~
- 38 ~~three (3) years immediately preceding the election.~~
- 39 (4) Each ~~prospective candidate (regardless of whether the~~
- 40 ~~candidate is a district candidate or an at-large candidate) must:~~
- 41 (A) ~~be a registered voter;~~

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- 1 (B) have been a registered voter for at least the three (3)  
 2 years immediately preceding the election; and  
 3 (C) be a high school graduate or have received a:  
 4 (i) high school equivalency certificate; or  
 5 (ii) state general educational development (GED)  
 6 diploma under IC 20-20-6 (before its repeal) or  
 7 IC 22-4.1-18.
- 8 (5) A ~~prospective~~ candidate may not:  
 9 (A) hold any other elective or appointive office; or  
 10 (B) have a pecuniary interest in any contract with the school  
 11 corporation or its governing body;  
 12 as prohibited by law.
- 13 SECTION 40. IC 20-23-15-6, AS ADDED BY P.L.1-2005,  
 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JANUARY 1, 2024]: Sec. 6. (a) The governing body of the school  
 16 corporation consists of seven (7) members who shall be elected  
 17 ~~(1) on a nonpartisan basis; and~~  
 18 ~~(2) in the general election held in the county.~~  
 19 (b) Five (5) of the members shall be elected from the school  
 20 districts in which the members reside as established under section 7 of  
 21 this chapter.  
 22 (c) Two (2) of the members shall be elected at large.  
 23 **(d) Each candidate for election shall be nominated as provided**  
 24 **in IC 3-8-2.5 or IC 3-8-2.7, whichever is applicable to the**  
 25 **particular candidate.**
- 26 SECTION 41. IC 20-23-17-3, AS AMENDED BY P.L.219-2013,  
 27 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JANUARY 1, 2024]: Sec. 3. (a) The governing body of the school  
 29 corporation consists of five (5) members chosen as follows:  
 30 (1) Three (3) members shall be elected by the voters of the  
 31 school corporation at a general election to be held in the county  
 32 and every four (4) years thereafter.  
 33 (2) One (1) member shall be appointed by the city executive.  
 34 (3) One (1) member shall be appointed by the city legislative  
 35 body.  
 36 (b) The members elected under subsection (a)(1) shall be elected  
 37 as follows:  
 38 ~~(1) On a nonpartisan basis.~~  
 39 ~~(2) (1) In a general election held in the county.~~  
 40 ~~(3) (2) By the registered voters of the entire school corporation.~~  
 41 (c) The following apply to an election of members of the

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1 governing body of the school corporation under subsection (a)(1):  
 2 (1) Each candidate ~~must file a petition of nomination with the~~  
 3 ~~circuit court clerk not earlier than one hundred four (104) days~~  
 4 ~~and not later than seventy-four (74) days before the election at~~  
 5 ~~which members are to be elected. The petition of nomination~~  
 6 ~~must include the following information:~~  
 7 (A) ~~The name of the candidate.~~  
 8 (B) ~~A certification that the candidate meets the~~  
 9 ~~qualifications for candidacy imposed by this chapter. for~~  
 10 ~~election shall be nominated as provided in IC 3-8-2.5 or~~  
 11 ~~IC 3-8-2.7, whichever is applicable to the particular~~  
 12 ~~candidate.~~  
 13 (2) Only eligible voters residing in the school corporation may  
 14 vote for a candidate seeking election.  
 15 SECTION 42. IC 20-23-17.2-3.1, AS AMENDED BY  
 16 P.L.193-2021, SECTION 106, IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3.1. (a) The  
 18 governing body of the school corporation consists of five (5) members,  
 19 elected as provided in this chapter.  
 20 (b) Three (3) members shall be elected as follows:  
 21 (1) From districts established as provided in section 4.1 of this  
 22 chapter.  
 23 ~~(2) On a nonpartisan basis.~~  
 24 ~~(3) (2) At the general election held in the county in 2022 and~~  
 25 ~~every four (4) years thereafter.~~  
 26 (c) Two (2) members shall be elected as follows:  
 27 (1) At large by all the voters of the school corporation.  
 28 ~~(2) On a nonpartisan basis.~~  
 29 ~~(3) (2) At the general election held in the county in 2024 and~~  
 30 ~~every four (4) years thereafter.~~  
 31 (d) The term of office of a member of the governing body:  
 32 (1) is four (4) years; and  
 33 (2) begins January 1 after the election of members of the  
 34 governing body.  
 35 (e) Upon assuming office and in conducting the business of the  
 36 governing body, a member shall represent the interests of the entire  
 37 school corporation.  
 38 SECTION 43. IC 20-23-17.2-5, AS AMENDED BY  
 39 P.L.222-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) The following apply to  
 41 an election of members of the governing body of the school corporation

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1 under section 3.1(b) of this chapter:

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

7 (A) The name of the candidate.

8 (B) The candidate's residence address and the district in  
9 which the candidate resides.

10 (C) The signatures of at least twenty (20) registered voters  
11 residing within the school corporation district the candidate  
12 seeks to represent.

13 (D) A certification that the candidate meets the  
14 qualifications for candidacy imposed by this chapter.

15 (E) The school corporation district that the candidate seeks  
16 to represent. **for election shall be nominated as provided  
17 in IC 3-8-2.5 or IC 3-8-2.7, whichever is applicable to  
18 the particular candidate.**

19 (2) Only eligible voters residing in the school corporation district  
20 as provided in section 4.1 of this chapter may vote for a  
21 candidate to represent that school corporation district.

22 (3) One (1) candidate shall be elected for each school  
23 corporation district provided by section 4.1 of this chapter. The  
24 candidate elected for a school corporation district must reside  
25 within the boundaries of the school corporation district. The  
26 candidate elected as the member for a particular school  
27 corporation district is the candidate who, among all the  
28 candidates who reside within that school corporation district,  
29 receives the greatest number of votes from voters residing in that  
30 school corporation district.

31 (b) The following apply to an election of the members of the  
32 governing body of the school corporation under section 3.1(c) of this  
33 chapter:

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

39 (A) The name of the candidate.

40 (B) The candidate's residence address.

41 (C) The signatures of at least one hundred (100) registered

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1 voters residing within the school corporation.  
 2 ~~(D)~~ A certification that the candidate meets the  
 3 qualifications for candidacy imposed by this chapter.  
 4 ~~(E)~~ The fact that the candidate seeks to be elected from the  
 5 school corporation at large: for election shall be  
 6 **nominated as provided in IC 3-8-2.5 or IC 3-8-2.7,**  
 7 **whichever is applicable to the particular candidate.**  
 8 (2) Only eligible voters residing in the school corporation may  
 9 vote for a candidate.  
 10 (3) Two (2) candidates shall be elected at large. The two (2)  
 11 candidates who receive the greatest number of votes among all  
 12 candidates running for an at-large seat are elected as members of  
 13 the governing body.  
 14 SECTION 44. IC 20-25-3-4, AS AMENDED BY P.L.169-2022,  
 15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JANUARY 1, 2024]: Sec. 4. (a) The board consists of seven (7)  
 17 members. A member:  
 18 (1) must be elected ~~on a nonpartisan~~ basis in general elections  
 19 held in the county as specified in this section; and  
 20 (2) serves a four (4) year term.  
 21 (b) Five (5) members shall be elected from the school board  
 22 districts in which the members reside, and two (2) members must be  
 23 elected at large.  
 24 (c) If a candidate runs for one (1) of the district positions on the  
 25 board, only eligible voters residing in the candidate's district may vote  
 26 for that candidate. If a person is a candidate for one (1) of the at-large  
 27 positions, eligible voters from all the districts may vote for that  
 28 candidate.  
 29 (d) ~~If a candidate files to run for a position on the board; the~~  
 30 ~~candidate must specify whether the candidate is running for a district~~  
 31 ~~or an at-large position. Each candidate for election shall be~~  
 32 **nominated as provided in IC 3-8-2.5 or IC 3-8-2.7, whichever is**  
 33 **applicable to the particular candidate.**  
 34 (e) ~~A candidate who runs for a district or an at-large position wins~~  
 35 ~~if the candidate receives the greatest number of votes of all the~~  
 36 ~~candidates for the position. IC 3 governs the nomination and election~~  
 37 **of the members of the board under this section.**  
 38 (f) Districts shall be established within the school city by the board  
 39 of school commissioners. The districts must be drawn on the basis of  
 40 precinct lines, and as nearly as practicable, of equal population with the  
 41 population of the largest district not to exceed the population of the

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1 smallest district by more than five percent (5%). District lines must not  
2 cross precinct lines. The board of school commissioners, **with**  
3 **assistance from the county election board**, shall establish:

- 4 (1) balloting procedures for the election under IC 3; and
- 5 (2) other procedures required to implement this section.

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

7 (h) In accordance with subsection (k), a vacancy in the board shall  
8 be filled temporarily by the board as soon as practicable after the  
9 vacancy occurs. The member chosen by the board to fill a vacancy  
10 holds office until the member's successor is elected and qualified. The  
11 successor shall be elected at the next regular school board election  
12 occurring after the date on which the vacancy occurs. The successor  
13 fills the vacancy for the remainder of the term.

14 (i) An individual elected to serve on the board begins the  
15 individual's term on the date set in the school corporation's organization  
16 plan. The date set in the organization plan for an elected member of the  
17 board to take office may not be more than fourteen (14) months after  
18 the date of the member's election. If the school corporation's  
19 organization plan does not set a date for a member of the board to take  
20 office, the member takes office January 1 immediately following the  
21 individual's election.

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

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

31 SECTION 45. IC 20-26-4-4, AS AMENDED BY P.L.193-2021,  
32 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE JANUARY 1, 2024]: Sec. 4. (a) **This section does not**  
34 **apply to:**

- 35 (1) **a vacancy of a member who serves on a governing body**
- 36 **in an ex officio capacity; or**
- 37 (2) **a vacancy in an appointed board member position if the**
- 38 **plan, resolution, or law under which the school corporation**
- 39 **operates specifically provides for filling vacancies by the**
- 40 **appointing authority.**

41 (b) If fewer candidates have been elected to the school board than  
42 there were members to be elected, the governing body shall determine

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not later than noon December 31 following the election which incumbent member or members continue to hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified. ~~However,~~

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

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

(2) **If subdivision (1) does not apply,** the remaining members of the governing body shall by majority vote fill the vacancy by appointing a ~~person~~ **an individual** from within the boundaries of the school corporation. ~~with the residence and other qualifications provided for a regularly elected or appointed board member filling the membership; to serve for the term or the balance of the term. However, this subsection does not apply to a vacancy:~~

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

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

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

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

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

SECTION 46. IC 20-26-4-4.5, AS AMENDED BY P.L.233-2015, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 4.5. (a) The definitions in IC 3-5-2 apply to this section.

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

SECTION 47. IC 33-33-53-5, AS AMENDED BY P.L.179-2011,

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1 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JANUARY 1, 2024]: Sec. 5. In accordance with rules adopted by the  
 3 judges of the court under section 6 of this chapter, the presiding judge  
 4 shall do the following:

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

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

9 (A) the operation of the circuit's probation department;  
 10 (B) the defense of indigents; and  
 11 (C) maintaining an adequate law library.

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

14 IC 8-4-21-2  
 15 IC 11-12-2-2  
 16 IC 16-22-2-4  
 17 IC 16-22-2-11  
 18 IC 16-22-7  
 19 IC 20-23-4  
 20 IC 20-23-7-6  
 21 ~~IC 20-23-7-8.1~~  
 22 IC 20-26-7-8  
 23 IC 20-26-7-14  
 24 IC 20-47-2-15  
 25 IC 20-47-3-13  
 26 IC 36-9  
 27 IC 36-10  
 28 IC 36-12-10-10.

29 (4) Make appointments or selections required of a circuit or  
 30 superior court judge by any other statute, if the appointment or  
 31 selection is not required of the court because of an action before  
 32 the court.

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