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HOUSE BILL No. 1428

Proposed Changes to introduced printing by AM142803

DIGEST OF PROPOSED AMENDMENT

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

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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 3-5-4-1.7, AS AMENDED BY P.L.257-2019,~~
12 ~~SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
13 ~~JANUARY 1, 2024]: Sec. 1.7. (a) Except as otherwise expressly~~
14 ~~authorized or required under this title, a filing by a person with a~~
15 ~~commission, the election division, an election board, or a county voter~~



1 registration office may not be made by fax or electronic mail.
2 — (b) A petition of nomination filed with a county voter registration
3 office under IC 3-8-2, IC 3-8-2.5, IC 3-8-3, or IC 3-8-6 or a petition to
4 place a public question on the ballot, or any other petition filed that
5 requires the county voter registration office to certify the validity of
6 signatures, may not contain the electronic signature, digital signature,
7 digitized signature, or photocopied signature of a voter.
8 — SECTION 4. IC 3-8-1-2, AS AMENDED BY P.L.278-2019;
9 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2024]. Sec. 2. (a) This section does not apply to a
11 candidate challenged under IC 3-8-8.
12 — (b) The commission, a county election board, or a town election
13 board shall act if a candidate (or a person acting on behalf of a
14 candidate in accordance with state ~~Indiana~~ law) has filed any of the
15 following:
16 — (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
17 — (2) A request for ballot placement in a presidential primary
18 under IC 3-8-3.
19 — (3) A petition of nomination or candidate's consent to
20 nomination under IC 3-8-2.5 or IC 3-8-6.
21 — (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,
22 IC 3-10-2-15, or IC 3-10-6-12.
23 — (5) A certificate of candidate selection under IC 3-13-1 or
24 IC 3-13-2.
25 — (6) A declaration of intent to be a write-in candidate under
26 IC 3-8-2-2.5.
27 — (7) A contest to the denial of certification under IC 3-8-2.5 or
28 IC 3-8-6-12.
29 — (c) The commission has jurisdiction to act under this section with
30 regard to any filing described in subsection (b) that was made with the
31 election division. Except for a filing under the jurisdiction of a town
32 election board, a county election board has jurisdiction to act under this
33 section with regard to any filing described in subsection (b) that was
34 made with the county election board, county voter registration office,
35 or the circuit court clerk. A town election board has jurisdiction to act
36 under this section with regard to any filing that was made with the
37 county election board, the county voter registration office, or the circuit
38 court clerk for nomination or election to a town office.
39 — (d) Except as provided in subsection (f), before the commission or
40 election board acts under this section, a registered voter of the election
41 district that a candidate seeks to represent or a county chairman of a
42 major political party of a county in which any part of the election

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- 1 ~~district is located must file a sworn statement before a person~~
 2 ~~authorized to administer oaths, with the election division or election~~
 3 ~~board:~~
 4 ~~— (1) questioning the eligibility of the candidate to seek the office;~~
 5 ~~and~~
 6 ~~— (2) setting forth the facts known to the voter or county chairman~~
 7 ~~of a major political party of a county concerning this question.~~
 8 ~~— (e) The eligibility of a write-in candidate or a candidate nominated~~
 9 ~~by a convention, petition, or primary may not be challenged under this~~
 10 ~~section if the commission or board determines that all of the following~~
 11 ~~occurred:~~
 12 ~~— (1) The eligibility of the candidate was challenged under this~~
 13 ~~section before the candidate was nominated.~~
 14 ~~— (2) The commission or board conducted a hearing on the~~
 15 ~~affidavit before the nomination.~~
 16 ~~— (3) This challenge would be based on substantially the same~~
 17 ~~grounds as the previous challenge to the candidate.~~
 18 ~~— (f) Before the commission or election board can consider a contest~~
 19 ~~to the denial of a certification under IC 3-8-2.5 or IC 3-8-6-12, a~~
 20 ~~candidate (or a person acting on behalf of a candidate in accordance~~
 21 ~~with state **Indiana** law) must file a sworn statement with the election~~
 22 ~~division or election board:~~
 23 ~~— (1) stating specifically the basis for the contest; and~~
 24 ~~— (2) setting forth the facts known to the candidate supporting the~~
 25 ~~basis for the contest.~~
 26 ~~— (g) Upon the filing of a sworn statement under subsection (d) or~~
 27 ~~(f), the commission or election board shall determine the validity of the~~
 28 ~~questioned:~~
 29 ~~— (1) declaration of candidacy;~~
 30 ~~— (2) declaration of intent to be a write-in candidate;~~
 31 ~~— (3) request for ballot placement under IC 3-8-3;~~
 32 ~~— (4) petition of nomination;~~
 33 ~~— (5) certificate of nomination;~~
 34 ~~— (6) certificate of candidate selection issued under IC 3-13-1-15~~
 35 ~~or IC 3-13-2-8; or~~
 36 ~~— (7) denial of a certification under IC 3-8-2.5 or IC 3-8-6-12.~~
 37 ~~— (h) The commission or election board shall deny a filing if the~~
 38 ~~commission or election board determines that the candidate has not~~
 39 ~~complied with the applicable requirements for the candidate set forth~~
 40 ~~in the Constitution of the United States, the Constitution of the State of~~
 41 ~~Indiana, or this title.~~
 42 ~~— SECTION 5-> IC 3-8-2-2 IS AMENDED TO READ AS~~

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 2. ~~A person~~ **An**
 2 **individual** who desires to be nominated at a primary election as a
 3 candidate of a political party subject to this chapter for a federal, state,
 4 legislative, ~~or~~ local, **or school board** office shall file a declaration of
 5 candidacy.

6 SECTION ~~<6. IC 3-8-2.5 IS REPEALED>~~ [4. IC 3-8-2.5-1, AS
 7 ADDED BY P.L.179-2011, SECTION 5, IS AMENDED TO READ
 8 AS FOLLOWS] [EFFECTIVE JANUARY 1, 2024] ~~<(Nomination for~~
 9 ~~School Board Office)>~~.

10 ~~—SECTION 7>~~ [: Sec. 1. Except as provided in IC 3-8-2.7, this
 11 chapter applies to a candidate for a school board office.

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

17 (b) In addition to the information required on a candidate's
 18 petition of nomination under section 2.5 of this chapter, a
 19 candidate's petition of nomination must state either of the
 20 following:

21 (1) The candidate's political party affiliation.

22 (2) That the candidate is an independent candidate if the
 23 candidate does not identify with a political party.

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

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

39 (1) the political party with which the candidate claims
 40 affiliation; and

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

42 must certify in writing that the candidate is a member of the

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

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

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

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

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

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

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

40 (2) The county chairman of:

41 (A) the political party with which the candidate claims
 42 affiliation; and



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1 (B) the county in which the candidate resides;
 2 did not certify that the candidate is a member of the political
 3 party with which the candidate claims affiliation.
 4 If the candidate produces a copy of the certification of the county
 5 chairman of the political party with which the candidate claims
 6 affiliation at the time the candidate filed the petition, the claim of
 7 a challenger under this subsection is conclusively rebutted.
 8 (f) Unless a challenger shows under subsection (e) that a
 9 candidate is not affiliated with the major political party with which
 10 the candidate claims affiliation, the candidate's claimed political
 11 party affiliation shall be indicated on the ballot as required by
 12 section 2.7 of this chapter.
 13 (g) A candidate's claimed political party affiliation with a
 14 party other than a major political party is not subject to challenge
 15 under this section.
 16 SECTION 7. IC 3-8-2.7 IS ADDED TO THE INDIANA CODE
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2024]:
 19 Chapter 2.7. Nomination and Election of School Board
 20 Candidates by Partisan Process
 21 Sec. 1. This chapter applies to the nomination and election of
 22 candidates for election to a school board if either of the following
 23 apply:
 24 (1) The school board adopts a resolution under section 2 of
 25 this chapter.
 26 (2) The voters of the school board's school corporation
 27 approve a public question under section 3 of this chapter.
 28 Sec. 2. (a) A school board may adopt a resolution to provide
 29 that the members of the school board are nominated and elected as
 30 described in either:
 31 (1) section 4 of this chapter; or
 32 (2) section 5 of this chapter.
 33 (b) A resolution adopted under this section must:
 34 (1) state the first year that members of the school board are
 35 to be elected as provided in this chapter; and
 36 (2) be adopted before January 1 of the year that the next
 37 election for school board members will be held.
 38 (c) If the school board adopts a resolution under this section,
 39 the school board shall certify adoption of the resolution to the
 40 circuit court clerk of the county in which the greatest percentage
 41 of population of the school corporation resides before January 1 of
 42 the year that the next election for school board members will be

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

3 (1) five hundred (500) voters residing within the school
 4 corporation; or

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

7 sign a petition requesting that a public question be placed on the
 8 ballot at a general election as provided in this section, the county
 9 election board shall place the public question on the ballot as
 10 provided in this section.

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

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

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

20 (c) The following apply to the petition process under this
 21 section:

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

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

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

28 (C) After the individual who circulates a copy of the
 29 petition collects and files the signed petition copy, that
 30 individual must swear or affirm before a notary public
 31 that the individual witnessed each signature.

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

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

40 (4) The county voter registration office shall determine
 41 whether each individual who signed a copy of the petition is
 42 a registered voter who resides within the school corporation.



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1 However, after the county voter registration office has
 2 determined that at least five hundred twenty-five (525)
 3 individuals who signed the petition are registered voters
 4 within the school corporation, the county voter registration
 5 office is not required to verify whether the remaining
 6 individuals who signed the petition are registered voters.

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

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

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

34 "Shall the names of the candidates for election to the
 35 _____ (insert the name of the school
 36 corporation) school board be placed on the ballot to indicate
 37 whether each candidate is affiliated with a political party or
 38 is an independent candidate?".

39 (e) If the county voter registration office certifies a petition
 40 requesting that the members of the school board be elected as
 41 described in section 5 of this chapter, the county election board
 42 shall place the following public question on the ballot at the next



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general election in the precincts within the school corporation:
"Shall candidates for election to the
(insert the name of the school corporation) school board be
nominated in the same fashion as candidates for partisan
offices and shall the general election ballot for election of
members of the school board indicate the political party with
which each candidate is affiliated, if any?".

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

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

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

- (1) a resolution is adopted under section 2(a)(1) of this
chapter; or
- (2) a public question described in section 3(d) of this chapter
is approved under section 3 of this chapter.

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

- (1) nominated as provided in IC 3-8-2.5; and
- (2) elected at the general election and designated on the
general election ballot as either being:
 - (A) affiliated with a political party; or
 - (B) an independent candidate.

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

- (1) a resolution is adopted under section 2(a)(2) of this
chapter; or
- (2) a public question described in section 3(e) of this chapter
is approved under section 3 of this chapter.

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

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

- (1) nominated as provided in IC 3-8-2 or IC 3-8-6, whichever
is applicable to each candidate; and
- (2) placed on the ballot so that the political affiliation of each
candidate is indicated in the same manner as candidates for
partisan local offices are indicated.

SECTION 8]. IC 3-8-6-1, AS AMENDED BY P.L.194-2013,
SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JANUARY 1, 2024]: Sec. 1. <(a) This chapter applies to a candidate
 2 for nomination to an elected office who:
 3 (1) is an independent candidate; or
 4 (2) represents a political party not qualified to nominate
 5 candidates in a primary or by convention.
 6 <(b) <This <chapter does not apply to a candidate for a school
 7 board office:
 8 —SECTION 8>[chapter:
 9 (1) applies to a candidate for a school board office of a school
 10 corporation if IC 3-8-2.7 applies to the nomination and
 11 election of the candidates for the school corporation's school
 12 board offices; and
 13 (2) does not apply to a candidate for a school board office of a
 14 school corporation if IC 3-8-2.7 does not apply to the
 15 nomination of the candidates for the school corporation's
 16 school board offices.
 17 SECTION 9]. IC 3-8-7-28, AS AMENDED BY P.L.216-2015,
 18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2024]: Sec. 28. (a) Except as provided in subsections (b)
 20 and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or
 21 IC 3-10-1 desires to withdraw as the nominee, the nominee must file a
 22 notice of withdrawal in writing with the public official with whom the
 23 certificate of nomination was filed by noon [of the following dates]:
 24 (1) July 15 before a general or municipal election <>[.]
 25 (2) August 1 before a municipal election in a town subject to
 26 IC 3-8-5-10 <>[.]
 27 (3) <>[O]n the date specified for town convention nominees
 28 under IC 3-8-5-14.5 <>[.]
 29 (4) <>[O]n the date specified for declared write-in candidates
 30 under IC 3-8-2-2.7 <or>[.]
 31 <(5) <on the date specified for a school board candidate under
 32 IC 3-8-2.5-4, or
 33 —(6) (5) forty five>[On the date specified for a school board
 34 candidate under IC 3-8-2.5-4, even if IC 3-8-2.7 applies to a
 35 school corporation's candidates for election to its school
 36 board. or
 37 (6) Forty-five] (45) days before a special election.
 38 (b) A candidate who is disqualified from being a candidate under
 39 IC 3-8-1-5 must file a notice of withdrawal immediately upon
 40 becoming disqualified. IC 3-8-8-7 and the filing requirements of
 41 subsection (a) do not apply to a notice of withdrawal filed under this
 42 subsection.

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

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

11 (1) With the individual's:

- 12 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
- 13 (B) petition of nomination under ~~IC 3-8-2-5~~ or IC 3-8-6 for
14 an office described in IC 3-8-2-5 in a county with a separate
15 board of registration under IC 3-7-12 after certification by
16 the board of registration;
- 17 (C) petition of nomination under ~~IC 3-8-2-5~~ or IC 3-8-6 for
18 an office described in IC 3-8-2-5 in a county that does not
19 have a separate board of registration under IC 3-7-12;
- 20 (D) petition of nomination under IC 3-8-6 for an office
21 described in IC 3-8-2-5 after certification by the county
22 voter registration office;
- 23 (E) certificate of nomination under IC 3-10-2-15 or
24 IC 3-10-6-12;
- 25 (F) statement consenting to be a replacement candidate
26 under IC 3-8-6-17;
- 27 (G) declaration of intent to be a write-in candidate under
28 IC 3-8-2-2.5; or
- 29 (H) certificate of candidate selection under IC 3-13-1 or
30 IC 3-13-2.

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

36 SECTION 1 ~~9~~[1]. IC 3-10-1-4 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 4. (a) At a
38 primary election each political party subject to section 2 of this chapter
39 shall nominate its candidates for the following offices to be voted for
40 at the general election:

- 41 (1) United States Senator.
- 42 (2) Governor.

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- 1 (3) United States Representative.
- 2 (4) Legislative offices.
- 3 (5) Local offices.
- 4 **(6) School board offices**, if the school board offices are
- 5 subject to IC 3-8-2.7-5.
- 6 (b) In addition, each political party subject to section 2 of this
- 7 chapter shall:
- 8 (1) vote on candidates for nomination as President of the United
- 9 States;
- 10 (2) elect delegates from each county to the party's state
- 11 convention; and
- 12 (3) elect a precinct committeeman for each precinct in the county
- 13 if precinct committeemen are to be elected under section 4.5 of
- 14 this chapter.

15 SECTION 1 ~~1~~ 2. IC 3-10-1-18, AS AMENDED BY THE
 16 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL
 17 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2024]: Sec. 18. (a) Except as provided by subsection (b),
 19 the names of all candidates for each office who have qualified under
 20 IC 3-8 shall be arranged in alphabetical order by surnames under the
 21 designation of the office.

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

39 (c) For paper ballots, the left margin of the ballot for each political
 40 party must show the name of the uppermost candidate printed to the
 41 right of the number 1, the next candidate number 2, the next candidate
 42 number 3, and so on, consecutively to the end of the ballot as

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1 prescribed in section 19 of this chapter. If ordered by a county election
2 board or a board of elections and registration under IC 3-11-15-13.1(b),
3 a ballot number or other candidate designation uniquely associated
4 with the candidate must be displayed on the electronic voting system
5 and printed on the ballot cards.

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

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

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

20 "OFFICIAL PRIMARY BALLOT
21 _____ Party (insert the name of the political party)".

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

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

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

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

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

37 (d) Local public questions shall be placed on the primary election
38 ballot after the heading and the voting instructions described in
39 subsection (c) (if the instructions are printed on the ballot) and before
40 the offices described in subsection (g).

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

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- 1 (1) In a separate column on the ballot if voting is by paper ballot.
- 2 (2) After the heading and the voting instructions described in
- 3 subsection (c) (if the instructions are printed on the ballot) and
- 4 before the offices described in subsection (g), in the form
- 5 specified in IC 3-11-13-11 if voting is by ballot card.
- 6 (3) As provided by either of the following if voting is by an
- 7 electronic voting system:
- 8 (A) On a separate screen for a public question.
- 9 (B) After the heading and the voting instructions described
- 10 in subsection (c) (if the instructions are printed on the
- 11 ballot) and before the offices described in subsection (g), in
- 12 the form specified in IC 3-11-14-3.5.
- 13 (f) A public question shall be placed on the primary election ballot
- 14 in the following form:
- 15 (The explanatory text for the public question,
- 16 if required by law.)
- 17 "Shall (insert public question)?"
- 18 YES
- 19 NO
- 20 (g) The offices with candidates for nomination shall be placed on
- 21 the primary election ballot in the following order:
- 22 (1) Federal and state offices:
- 23 (A) President of the United States.
- 24 (B) United States Senator.
- 25 (C) Governor.
- 26 (D) United States Representative.
- 27 (2) Legislative offices:
- 28 (A) State senator.
- 29 (B) State representative.
- 30 (3) Circuit offices and county judicial offices:
- 31 (A) Judge of the circuit court, and unless otherwise
- 32 specified under IC 33, with each division separate if there
- 33 is more than one (1) judge of the circuit court.
- 34 (B) Judge of the superior court, and unless otherwise
- 35 specified under IC 33, with each division separate if there
- 36 is more than one (1) judge of the superior court.
- 37 (C) Judge of the probate court.
- 38 (D) Prosecuting attorney.
- 39 (E) Circuit court clerk.
- 40 (4) County offices:
- 41 (A) County auditor.
- 42 (B) County recorder.

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- 1 (C) County treasurer.
- 2 (D) County sheriff.
- 3 (E) County coroner.
- 4 (F) County surveyor.
- 5 (G) County assessor.
- 6 (H) County commissioner.
- 7 (I) County council member.
- 8 (5) Township offices:
- 9 (A) Township assessor (only in a township referred to in
- 10 IC 36-6-5-1(d)).
- 11 (B) Township trustee.
- 12 (C) Township board member.
- 13 (D) Judge of the small claims court.
- 14 (E) Constable of the small claims court.
- 15 (6) City offices:
- 16 (A) Mayor.
- 17 (B) Clerk or clerk-treasurer.
- 18 (C) Judge of the city court.
- 19 (D) City-county council member or common council
- 20 member.
- 21 (7) Town offices:
- 22 (A) Clerk-treasurer.
- 23 (B) Judge of the town court.
- 24 (C) Town council member.
- 25 **(8) School board offices**, [if the school board offices are](#)
- 26 [subject to IC 3-8-2.7-5](#).
- 27 (h) The political party offices with candidates for election shall be
- 28 placed on the primary election ballot in the following order after the
- 29 offices described in subsection (g):
- 30 (1) Precinct committeeman.
- 31 (2) State convention delegate.
- 32 (i) The local offices to be elected at the primary election shall be
- 33 placed on the primary election ballot after the offices described in
- 34 subsection (h).
- 35 (j) The offices described in subsection (i) shall be placed as
- 36 follows:
- 37 (1) In a separate column on the ballot if voting is by paper ballot.
- 38 (2) After the offices described in subsection (h) in the form
- 39 specified in IC 3-11-13-11 if voting is by ballot card.
- 40 (3) Either:
- 41 (A) on a separate screen for each office or public question;
- 42 or

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1 (B) after the offices described in subsection (h) in the form
2 specified in IC 3-11-14-3.5;

3 if voting is by an electronic voting system.

4 SECTION 1 ~~↔~~ [4]. IC 3-10-8-1, AS AMENDED BY
5 P.L.219-2013, SECTION 28, IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 1. A special
7 election shall be held in the following cases:

8 (1) Whenever two (2) or more candidates for a federal, state,
9 legislative, ~~or circuit or school board~~ office receive the ~~highest~~
10 **greatest** and an equal number of votes for the office, except as
11 provided in Article 5, Section 5 of the Constitution of the State
12 of Indiana. ~~or in IC 20.~~

13 (2) Whenever a vacancy occurs in the office of United States
14 Senator, as provided in IC 3-13-3-1.

15 (3) Whenever a vacancy occurs in the office of United States
16 Representative unless the vacancy occurs less than seventy-four
17 (74) days before a general election.

18 (4) Whenever a vacancy occurs in any local office the filling of
19 which is not otherwise provided by law.

20 (5) Whenever required by law for a public question.

21 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
22 recount commission under IC 3-12-11-18.

23 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
24 legislative office unless the vacancy occurs less than
25 seventy-four (74) days before a general election.

26 SECTION 1 ~~↔~~ [5]. IC 3-11-2-12, AS AMENDED BY
27 P.L.109-2021, SECTION 14, IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 12. The following
29 offices shall be placed on the general election ballot in the following
30 order after the public questions described in section 10(a) of this
31 chapter:

32 (1) Federal and state offices:

33 (A) President and Vice President of the United States.

34 (B) United States Senator.

35 (C) Governor and lieutenant governor.

36 (D) Secretary of state.

37 (E) Auditor of state.

38 (F) Treasurer of state.

39 (G) Attorney general.

40 (H) United States Representative.

41 (2) Legislative offices:

42 (A) State senator.



- 1 (B) State representative.
- 2 (3) Circuit offices and county judicial offices:
- 3 (A) Judge of the circuit court, and unless otherwise
- 4 specified under IC 33, with each division separate if there
- 5 is more than one (1) judge of the circuit court.
- 6 (B) Judge of the superior court, and unless otherwise
- 7 specified under IC 33, with each division separate if there
- 8 is more than one (1) judge of the superior court.
- 9 (C) Judge of the probate court.
- 10 (D) Prosecuting attorney.
- 11 (E) Clerk of the circuit court.
- 12 (4) County offices:
- 13 (A) County auditor.
- 14 (B) County recorder.
- 15 (C) County treasurer.
- 16 (D) County sheriff.
- 17 (E) County coroner.
- 18 (F) County surveyor.
- 19 (G) County assessor.
- 20 (H) County commissioner.
- 21 (I) County council member.
- 22 (5) Township offices:
- 23 (A) Township assessor (only in a township referred to in
- 24 IC 36-6-5-1(d)).
- 25 (B) Township trustee.
- 26 (C) Township board member.
- 27 (D) Judge of the small claims court.
- 28 (E) Constable of the small claims court.
- 29 (6) City offices:
- 30 (A) Mayor.
- 31 (B) Clerk or clerk-treasurer.
- 32 (C) Judge of the city court.
- 33 (D) City-county council member or common council
- 34 member.
- 35 (7) Town offices:
- 36 (A) Clerk-treasurer.
- 37 (B) Judge of the town court.
- 38 (C) Town council member.
- 39 **(8) School board offices.**

40 SECTION 1 ~~1~~ [6]. IC 3-11-2-12.4, AS AMENDED BY
 41 P.L.109-2021, SECTION 16, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 12.4. (a) This



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1 section applies whenever more than one (1) candidate may be elected
2 to an office.

3 (b) The office shall be placed on the general election ballot after
4 the offices described in section 12 of this chapter. ~~and before the~~
5 ~~offices described in section 12.9 of this chapter.~~

6 (c) Whenever candidates are to be elected to a county council, city
7 common council, or town council that includes both an at-large
8 member and a member representing a district, the candidates seeking
9 election as an at-large member shall be placed on the ballot before
10 candidates seeking to represent a district.

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

16 SECTION 1 ~~6~~ [7]. IC 3-11-2-12.9 IS REPEALED [EFFECTIVE
17 JANUARY 1, 2024]. Sec. 12.9: (a) School board offices to be elected
18 at the general election shall be placed on the general election ballot
19 after the offices described in section 12.4 of this chapter with each
20 candidate for the office designated as "nonpartisan".

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

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

29 SECTION 1 ~~7~~ [8]. IC 3-11-2-13, AS AMENDED BY
30 P.L.190-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JANUARY 1, 2024]: Sec. 13. (a) The following offices
32 shall be placed on the general election ballot in the following order
33 after the offices described in section ~~12.9~~ 12.4 of this chapter:

- 34 (1) Retention of a justice of the supreme court.
- 35 (2) Retention of a judge of the court of appeals.
- 36 (3) Retention of the judge of the tax court.

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

41 (c) Whenever more than one (1) judge of the court of appeals is
42 subject to retention, the name of each judge must appear on the ballot

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1 in alphabetical order. However, if the judge serving as chief judge is
2 subject to retention, the chief judge's name must appear first.

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

5 SECTION 1~~8~~[9]. IC 3-11-7-4, AS AMENDED BY
6 P.L.278-2019, SECTION 65, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 4. (a) Except as
8 provided in subsection (b), a ballot card voting system must permit a
9 voter to vote:

- 10 (1) except at a primary election, a straight party ticket for all of
- 11 the candidates of one (1) political party by a single voting mark
- 12 on each ballot card;
- 13 (2) for one (1) or more candidates of each political party or
- 14 independent candidates, or for one (1) or more ~~school~~
- 15 ~~board~~ candidates nominated by petition;
- 16 (3) a split ticket for the candidates of different political parties
- 17 and for independent candidates; or
- 18 (4) a straight party ticket and then split that ticket by casting
- 19 individual votes for candidates of another political party or
- 20 independent candidate.

21 (b) A ballot card voting system must require that a voter who
22 wishes to cast a ballot for a candidate for election to an at-large district
23 to which more than one person may be elected, on a:

- 24 (1) county council;
- 25 (2) city common council;
- 26 (3) town council; ~~or~~
- 27 (4) township board; **or**
- 28 (5) **school board;**

29 make a voting mark for each individual candidate for whom the voter
30 wishes to cast a vote. The ballot card voting system may not count any
31 straight party ticket voting mark as a vote for any candidate for an
32 office described by this subsection.

33 (c) A ballot card voting system must permit a voter to vote:

- 34 (1) for all candidates for presidential electors and alternate
- 35 presidential electors of a political party or an independent ticket
- 36 by making a single voting mark; and
- 37 (2) for or against a public question on which the voter may vote.

38 SECTION ~~19~~[20]. IC 3-11-7.5-10, AS AMENDED BY
39 P.L.278-2019, SECTION 66, IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 10. (a) Except as
41 provided in subsection (b), an electronic voting system must permit a
42 voter to vote:

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- 1 (1) except at a primary election, a straight party ticket for all the
 2 candidates of one (1) political party by touching the device of
 3 that party;
 4 (2) for one (1) or more candidates of each political party or
 5 independent candidates, or for one (1) or more ~~<~~school
 6 ~~>~~board 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 candidates.

12 (b) An electronic 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 electronic 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) An electronic voting system must permit a voter to vote:

- 25 (1) for as many candidates for an office as the voter may vote
 26 for, but no more;
 27 (2) for or against a public question on which the voter may vote,
 28 but no other; and
 29 (3) for all the candidates for presidential electors and alternate
 30 presidential electors of a political party or an independent ticket
 31 by making a single voting mark.

32 SECTION 2 ~~<~~[\[1\]](#)~~>~~. IC 3-11-13-11, AS AMENDED BY
 33 P.L.193-2021, SECTION 50, IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 11. (a) The ballot
 35 information, whether placed on the ballot card or on the marking
 36 device, must be in the order of arrangement provided for ballots under
 37 this section.

38 (b) Each county election board shall have the names of all
 39 candidates for all elected offices, political party offices, and public
 40 questions printed on a ballot card as provided in this chapter. The
 41 county may:

- 42 (1) print all offices and questions on a single ballot card; and



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- 1 (2) include a ballot variation code to ensure that the proper
- 2 version of a ballot is used within a precinct.
- 3 (c) Each type of ballot card must be of uniform size and of the
- 4 same quality and color of paper (except as permitted under
- 5 IC 3-10-1-17).
- 6 (d) The nominees of a political party or an independent candidate
- 7 or independent ticket (described in IC 3-11-2-6) nominated by
- 8 petitioners shall be listed on the ballot with the name and device set
- 9 forth on the certification or petition. The circle containing the device
- 10 may be of any size that permits a voter to readily identify the device.
- 11 IC 3-11-2-5 applies if the certification or petition does not include a
- 12 name or device, or if the same device is selected by two (2) or more
- 13 parties or petitioners.
- 14 (e) The offices and public questions on the general election ballot
- 15 must be placed on the ballot in the order listed in IC 3-11-2-12,
- 16 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),~~
- 17 ~~IC 3-11-2-12.9(c),~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),
- 18 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). The offices and
- 19 public questions may be listed in a continuous column either vertically
- 20 or horizontally and on a number of separate pages.
- 21 (f) The name of each office must be printed in a uniform size in
- 22 bold type. A statement reading substantially as follows must be placed
- 23 immediately below the name of the office and above the name of the
- 24 first candidate:
- 25 (1) "Vote for one (1) only.", if only one (1) candidate is to be
- 26 elected to the office.
- 27 (2) "Vote for not more than (insert the number of candidates to
- 28 be elected) candidate(s) for this office. To vote for any candidate
- 29 for this office, you must make a voting mark for each candidate
- 30 you wish to vote for. A straight party vote will not count as a
- 31 vote for any candidate for this office.", if more than one (1)
- 32 candidate is to be elected to the office.
- 33 (g) Below the name of the office and the statement required by
- 34 subsection (f), the names of the candidates for each office must be
- 35 grouped together in the following order:
- 36 (1) The major political party whose candidate received the
- 37 highest number of votes in the county for secretary of state at the
- 38 last election is listed first.
- 39 (2) The major political party whose candidate received the
- 40 second highest number of votes in the county for secretary of
- 41 state is listed second.
- 42 (3) All other political parties listed in the order that the parties'

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



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

5 ~~(h)~~ **(j)** The following information must be placed at the top of the
 6 ballot before the first public question is listed:

7 (1) The cautionary statement described in IC 3-11-2-7.

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

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

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

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

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

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

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

37 (1) do not replace; and

38 (2) are in addition to;

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

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



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1 or mistakes by voters.
 2 ~~(p)~~ (o) This subsection applies to an optical scan ballot that does
 3 not list:
 4 (1) the names of political parties or candidates; or
 5 (2) the text of public questions;
 6 on the face of the ballot. The ballot must be prepared in accordance
 7 with this section, except that the ballot must include a numbered circle
 8 or oval to refer to each political party, candidate, or public question.
 9 SECTION 2 ~~2~~ [2]. IC 3-11-14-3.5, AS AMENDED BY
 10 P.L.193-2021, SECTION 55, IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3.5. (a) Each
 12 county election board shall have the names of all candidates for all
 13 elected offices, political party offices, and public questions printed on
 14 ballot labels for use in an electronic voting system as provided in this
 15 chapter.
 16 (b) The county may:
 17 (1) print all offices and public questions on a single ballot label;
 18 and
 19 (2) include a ballot variation code to ensure that the proper
 20 version of a ballot label is used within a precinct.
 21 (c) Each type of ballot label must be of uniform size and of the
 22 same quality and color of paper (except as permitted under
 23 IC 3-10-1-17).
 24 (d) The nominees of a political party or an independent candidate
 25 or independent ticket (described in IC 3-11-2-6) nominated by
 26 petitioners must be listed on the ballot label with the name and device
 27 set forth on the certification or petition. The circle containing the
 28 device may be of any size that permits a voter to readily identify the
 29 device. IC 3-11-2-5 applies if the certification or petition does not
 30 include a name or device, or if the same device is selected by two (2)
 31 or more parties or petitioners.
 32 (e) The ballot labels must list the offices and public questions on
 33 the general election ballot in the order listed in IC 3-11-2-12,
 34 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);~~
 35 ~~IC 3-11-2-12.9(c);~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),
 36 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). Each office and
 37 public question may have a separate screen, or the offices and public
 38 questions may be listed in a continuous column either vertically or
 39 horizontally.
 40 (f) The name of each office must be printed in a uniform size in
 41 bold type. A statement reading substantially as follows must be placed
 42 immediately below the name of the office and above the name of the

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

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1 candidate's political party, or the word "Independent", if the:

2 (1) candidate; or

3 (2) ticket of candidates for:

4 (A) President and Vice President of the United States; or

5 (B) governor and lieutenant governor;

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

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

11 (1) under the name of the office that the candidates are seeking;

12 (2) in the party order established by subsection (g); and

13 (3) within the political party, in alphabetical order according to
14 surname.

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

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

21 ~~(1)~~ under the name of the office that the candidates are seeking;

22 and

23 ~~(2)~~ in alphabetical order according to surname.

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

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

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

33 (1) placed on the ballot label; or

34 (2) posted in a location within the voting booth that permits the
35 voter to easily read the instructions.

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

41 (1) the name of the political party or independent ticket; and

42 (2) immediately below or beside the political party's or

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1 independent ticket's name, the device of that party or ticket
2 (described in IC 3-11-2-5).

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

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

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

20 (1) do not replace; and

21 (2) are in addition to;

22 any other requirements in this title that apply to ballots for electronic
23 voting systems.

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

28 SECTION 2 ~~↔~~ **[3]**. IC 3-11-14-12 IS REPEALED [EFFECTIVE
29 JANUARY 1, 2024]. ~~Sec. 12: In school district elections, the county
30 election board shall arrange the names of candidates in alphabetical
31 order on an electronic voting system as required by section 3.5 of this
32 chapter.~~

33 SECTION 2 ~~↔~~ **[4]**. IC 3-12-1-7, AS AMENDED BY
34 P.L.21-2016, SECTION 23, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JANUARY 1, 2024]: Sec. 7. (a) This subsection applies
36 whenever a voter:

37 (1) votes a straight party ticket; and

38 (2) votes only for one (1) or more individual candidates who are
39 all of the same political party as the straight ticket vote.

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

42 (b) 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) only one (1) person may be elected to an office; and
- 4 (3) the voter has voted for one (1) individual candidate for the
- 5 office described in subdivision (2) who is:
- 6 (A) a candidate of a political party other than the party for
- 7 which the voter voted a straight ticket; or
- 8 (B) an independent candidate or declared write-in candidate
- 9 for the office.

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

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

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

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

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

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

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- 1 ballot shall be counted.
- 2 (e) This subsection applies whenever:
- 3 (1) a voter has voted a straight party ticket for the candidates of
- 4 one (1) political party;
- 5 (2) more than one (1) person may be elected to an office; and
- 6 (3) the voter has voted for individual candidates for the office
- 7 described in subdivision (2) who are:
- 8 (A) independent candidates, declared write-in candidates,
- 9 or candidates of a political party other than the political
- 10 party for which the voter cast a straight party ticket under
- 11 subdivision (1); and
- 12 (B) candidates of the same political party for which the
- 13 voter cast a straight party ticket under subdivision (1).

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

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

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

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

36 SECTION 2-4-5. IC 3-12-9-3, AS AMENDED BY
 37 P.L.230-2005, SECTION 60, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3. Whenever a
 39 circuit court clerk receives certification that a tie vote at an election for
 40 a local office or a school board office occurred, the clerk shall
 41 immediately send a written notice of the tie vote to **the following**:

- 42 (1) **If the tie vote occurred in an election for a local office, the**

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

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

7 SECTION 2~~6~~[6]. IC 3-12-9-4, AS AMENDED BY
8 P.L.85-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JANUARY 1, 2024]: Sec. 4. **(a) This section does not**
10 **apply if a tie vote occurred in an election for a school board office.**

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

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

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

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

35 SECTION 2~~6~~[7]. IC 3-12-9-5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. Whenever a tie
37 vote at an election for:

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

41 occurs, the incumbent public official remains in office in accordance
42 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 2 <=> [8]. 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 2-~~8~~[9]. IC 20-23-4-29.1, AS ADDED BY
 4 P.L.179-2011, SECTION 11, IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 29.1. (a) This
 6 section applies to each school 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-~~6~~[2.7], whichever is
 24 applicable 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 ~~<29>~~ [30]. IC 20-23-4-30, AS AMENDED BY
 20 P.L.193-2021, SECTION 102, IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 30. (a) This
 22 section applies to 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

42 (2) the governing body fails to act within thirty (30) days after



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1 any vacancy occurs;
2 the judge of the circuit court in the county where the majority of
3 registered voters of the school corporation reside shall make the
4 appointment. the vacancy shall be filled as provided in
5 IC 3-13-10.5-3.

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

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

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

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

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

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

29 SECTION 3 ~~40~~ [1]. IC 20-23-4-35, AS AMENDED BY
30 P.L.169-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JANUARY 1, 2024]: Sec. 35. (a) The governing body of
32 a school corporation may be organized under this section.

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

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

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

40 (B) voted upon by only the registered voters residing within
41 the election district and voting at a governing body election.

42 (2) Three (3) members, who are voted upon by all the registered

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1 voters residing within the school corporation and voting at a
2 governing body election, elected under this subdivision. The
3 governing body shall establish three (3) residential districts as
4 follows:

5 (A) One (1) residential district must be the township that
6 has the greatest population within the school corporation.

7 (B) Two (2) residential districts must divide the remaining
8 area within the school corporation.

9 Only one (1) member who resides within a particular residential
10 district established under this subdivision may serve on the
11 governing body at a time.

12 (c) A member of the governing body who is:

13 (1) elected from an election or a residential district; or

14 (2) appointed to fill a vacancy from an election or a residential
15 district;

16 must reside within the boundaries of the district the member represents.

17 (d) A vacancy on the governing body shall be filled by the
18 governing body as soon as practicable after the vacancy occurs. A
19 member chosen by the governing body to fill a vacancy holds office for
20 the remainder of the unexpired term: **as provided in IC 3-13-10.5-3.**

21 (e) The members of the governing body serving at the time a plan
22 is amended under this section shall establish the election and
23 residential districts described in subsection (b).

24 (f) The election districts described in subsection (b)(1):

25 (1) shall be drawn on the basis of precinct lines;

26 (2) may not cross precinct lines; and

27 (3) as nearly as practicable, be of equal population, with the
28 population of the largest exceeding the population of the
29 smallest by not more than fifteen percent (15%).

30 (g) The residential districts described in subsection (b)(2) may:

31 (1) be drawn in any manner considered appropriate by the
32 governing body; and

33 (2) be drawn along township lines.

34 (h) The governing body shall certify the districts that are
35 established under subsections (f) and (g), amended under subsection
36 (e), or recertified under section 35.5 of this chapter to:

37 (1) the state board; and

38 (2) the circuit court clerk of each county in which the school
39 corporation is located as provided in section 35.5 of this chapter.

40 (i) The governing body shall designate:

41 (1) three (3) of the districts established under this section to be
42 elected at the first school board election that occurs after the

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1 effective date of the plan; and
2 (2) the remaining four (4) districts to be elected at the second
3 school board election that occurs after the effective date of the
4 plan.

5 (j) The limitations set forth in this section are part of the plan, but
6 do not have to be specifically set forth in the plan. The plan must be
7 construed, if possible, to comply with this chapter. If a provision of the
8 plan or an application of the plan violates this chapter, the invalidity
9 does not affect the other provisions or applications of the plan that can
10 be given effect without the invalid provision or application. The
11 provisions of the plan are severable.

12 (k) IC 3-5-10 applies to a plan established under this section.

13 SECTION 3 ~~4~~ [2]. IC 20-23-4-44, AS AMENDED BY
14 P.L.104-2022, SECTION 120, IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 44. (a) This
16 section applies only to a school corporation with territory in a county
17 having a population of more than one hundred eighty-five thousand
18 (185,000) and less than two hundred thousand (200,000).

19 (b) ~~This section applies~~ If there is a
20 (1) tie vote in an election for a member of the governing body of
21 a school corporation, ~~or~~

22 (2) ~~vacancy on the governing body of a school corporation;~~
23 **the tie vote shall be resolved as provided in IC 3-13-10.5-2.**

24 (c) ~~Notwithstanding any other law, If a tie vote occurs among any~~
25 ~~of the candidates for the governing body or a vacancy occurs on the~~
26 ~~governing body, the remaining members of the governing body, even~~
27 ~~if the remaining members do not constitute a majority of the governing~~
28 ~~body, shall by a majority vote of the remaining members:~~

29 (1) ~~select one (1) of the candidates who shall be declared and~~
30 ~~certified elected; or~~

31 (2) ~~fill the vacancy by appointing an individual to fill the~~
32 ~~vacancy: the vacancy shall be filled as provided in~~
33 **IC 3-13-10.5-3.**

34 (d) ~~An individual appointed to fill a vacancy under subsection~~
35 ~~(c)(2):~~

36 (1) ~~must satisfy all the qualifications required of a member of the~~
37 ~~governing body; and~~

38 (2) ~~shall fill the remainder of the unexpired term of the vacating~~
39 ~~member.~~

40 (e) ~~If a tie vote occurs among the remaining members of the~~
41 ~~governing body or the governing body fails to act within thirty (30)~~
42 ~~days after the election or the vacancy occurs; the fiscal body (as~~

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1 defined in IC 3-5-2-25) of the township in which the greatest
 2 percentage of population of the school district resides shall break the
 3 tie or make the appointment. A member of the fiscal body who was a
 4 candidate and is involved in a tie vote may not cast a vote under this
 5 subsection:

6 (f) If the fiscal body of a township is required to act under this
 7 section and a vote in the fiscal body results in a tie, the deciding vote
 8 to break the tie vote shall be cast by the executive:

9 SECTION 3 ~~3~~ [3]. IC 20-23-7-8.1, AS AMENDED BY
 10 P.L.219-2013, SECTION 79, IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 8.1. (a) The
 12 registered voters of the metropolitan school district shall elect the
 13 members of the metropolitan board of education at general elections
 14 held biennially, beginning with the next general election that is held
 15 more than sixty (60) days after the creation of the metropolitan school
 16 district as provided in this chapter.

17 (b) Each nominee for the board must file a petition of nomination
 18 signed by the nominee and by ten (10) registered voters residing in the
 19 same board member district as the nominee. The petition must be filed
 20 in accordance with IC 3-8-2.5 with the circuit court clerk of each
 21 county in which the metropolitan school district is located.

22 (c) Nominees for the board shall be listed on the general election
 23 ballot:

- 24 (1) in the form prescribed by IC 3-11-2;
- 25 (2) by board member districts; and
- 26 (3) without party designation.

27 The ballot must state the number of board members to be voted on and
 28 the maximum number of members that may be elected from each board
 29 member district as provided under section 5 of this chapter. A ballot
 30 that contains more votes than the maximum number allowed from a
 31 board member district is invalid.

32 (d) The precinct election boards in each county serving at the
 33 general election shall conduct the election for school board members:

34 (e) Voting and tabulation of votes shall be conducted in
 35 accordance with IC 3, and the candidates who receive the most votes
 36 are elected to the board:

37 (f) If there are more candidates from a particular board member
 38 district than may be elected from the board member district under
 39 section 5 of this chapter:

- 40 (1) the number of candidates elected is the greatest number that
- 41 may be elected from the board member district;
- 42 (2) the candidates elected are those who, among the candidates



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1 from the board member district; receive the most votes; and
 2 (3) the other candidates from the board member district are
 3 eliminated.

4 **(b) IC 3 governs the nomination and election of candidates. A**
 5 **candidate must be nominated as provided in IC 3-8-2[.5] or**
 6 **IC 3-8-~~6~~[2.7], whichever is applicable to the particular**
 7 **candidate.**

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

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

- 19 (1) appointing a person from the board member district from
 20 which the person who vacated the board was elected; or
 21 (2) if the person was appointed; appointing a person from the
 22 board member district from which the last elected predecessor
 23 of the person was elected.

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

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

- 30 (1) more than sixty (60) days after an elected board member
 31 vacates membership on the board; or
 32 (2) immediately before the end of the term for which the
 33 vacating member was elected;

34 a successor to a board member appointed under subsection (h) shall be
 35 elected. Unless the successor takes office at the end of the term of the
 36 vacating member; the member shall serve only for the balance of the
 37 vacating member's term. In an election for a successor board member
 38 to fill a vacancy for a two (2) year balance of a term; candidates for
 39 board membership need not file for or with reference to the vacancy.
 40 However; as required by IC 3-11-2; candidates for at-large seats must
 41 be distinguished on the ballot from candidates for district seats. If there
 42 is more than one (1) at-large seat on the ballot due to this vacancy; the



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1 elected candidate who receives the fewest votes at the election at which
 2 the successor is elected shall serve for a two (2) year term.

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

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

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

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

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

30 SECTION 3 ~~↔~~ [5]. IC 20-23-12-3, AS AMENDED BY
 31 P.L.213-2018(ss), SECTION 16, IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3. (a) The
 33 emergency manager appointed by the distressed unit appeal board
 34 under IC 6-1.1-20.3 shall act as the governing body of the school
 35 corporation and has the powers set forth in IC 6-1.1-20.3-8.5, including
 36 the powers and duties of the governing body of the school corporation.
 37 The school corporation shall also have an advisory board that consists
 38 of seven (7) members elected as follows:

39 (1) ~~On a nonpartisan basis.~~

40 (2) in a general election in the county.

41 The advisory board is created to provide nonbinding recommendations
 42 to the emergency manager.



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- 1 (b) Six (6) of the members shall be elected from the school
- 2 districts drawn under section 4 of this chapter. Each member:
- 3 (1) is elected from the school district in which the member
- 4 resides; and
- 5 (2) upon election and in conducting the business of the advisory
- 6 board, represents the interests of the entire school corporation.
- 7 (c) One (1) of the members elected:
- 8 (1) is the at-large member of the advisory board;
- 9 (2) may reside in any of the districts drawn under section 4 of
- 10 this chapter; and
- 11 (3) upon election and in conducting the business of the advisory
- 12 board, represents the interests of the entire school corporation.
- 13 (d) A per diem may not be paid to a member.
- 14 (e) The advisory board may hold a public meeting subject to the
- 15 limits on the number of meetings set forth in IC 6-1.1-20.3-6.8(d). The
- 16 advisory board is subject to IC 5-14-1.5 (the open door law) for these
- 17 meetings. The advisory board may hold additional meetings that are
- 18 authorized as executive sessions under IC 5-14-1.5 (the open door law)
- 19 as provided in IC 5-14-1.5-6.1. The advisory board is subject to the
- 20 public notice requirements of IC 5-14-1.5 (the open door law) for these
- 21 additional meetings. The records of the advisory board are subject to
- 22 IC 5-14-3 (access to public records).

23 SECTION 3 ~~↔~~ [6]. IC 20-23-12-5, AS AMENDED BY
 24 P.L.213-2018(ss), SECTION 17, IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) The six (6)
 26 members who are elected for a position on the advisory board
 27 described under section 3(b) of this chapter are determined as follows:

- 28 (1) Each prospective candidate must file a nomination petition
- 29 with the board of elections and registration not earlier than one
- 30 hundred four (104) days and not later than noon seventy-four
- 31 (74) days before the election at which the members are to be
- 32 elected that includes the following information:
- 33 (A) The name of the prospective candidate.
- 34 (B) The district in which the prospective candidate resides.
- 35 (C) The signatures of at least one hundred (100) registered
- 36 voters residing in the school corporation.
- 37 (D) The fact that the prospective candidate is running for a
- 38 district position.
- 39 (E) A certification that the prospective candidate meets the
- 40 qualifications for candidacy imposed by this chapter. **shall**
- 41 **be nominated as provided in IC 3-8-2[.5] or**
- 42 **IC 3-8-~~6~~[2.7], whichever is applicable to the**

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particular candidate.

(2) Only eligible voters residing in the district may vote for a candidate.

(3) ~~The candidate within each district who receives the greatest number of votes in the district is elected. IC 3 governs the nomination and election of members of the advisory board under this subsection.~~

(b) The at-large member elected under section 3(c) of this chapter is determined as follows:

(1) Each prospective candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the at-large member is to be elected. The petition must include the following information:

- (A) The name of the prospective candidate.
- (B) The signatures of at least one hundred (100) registered voters residing within the school corporation.
- (C) The fact that the prospective candidate is running for the at-large position on the advisory board.
- (D) A certification that the prospective candidate meets the qualifications for candidacy imposed by this chapter. **shall be nominated as provided in IC 3-8-2[.5] or IC 3-8-~~2.7~~[2.7], whichever is applicable to the candidate.**

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate who:

- (A) runs for the at-large position on the advisory board; and
- (B) receives the greatest number of votes in the school corporation;

is elected to the at-large position. **IC 3 governs the nomination and election of the member of the advisory board under this subsection.**

SECTION 3-~~6~~[7]. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 2.1. (a) ~~As used in this section, "county election board" includes a board of elections and registration established under IC 3-6-5.2.~~

(b) (a) The voters of the school corporation shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.

(c) (b) Each candidate for election to the governing body must file

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1 a petition of nomination with the county election board in each county
 2 in which a school corporation subject to this chapter is located. The
 3 petition of nomination must comply with IC 3-8-2.5 and the following
 4 requirements:

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

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

8 (3) The number of petitions signed by a legal voter may not
 9 exceed the number of school trustees to be elected. **shall be**
 10 **nominated as provided in IC 3-8-2[.5] or IC 3-8-~~6~~[2.7],**
 11 **whichever is applicable to the particular candidate.**

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

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

21 (1) in alphabetical order;

22 (2) without party designation; and

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

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

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

29 SECTION 3 ~~<7>~~[8]. IC 20-23-14-3, AS AMENDED BY
 30 P.L.271-2013, SECTION 42, IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3. (a) The
 32 governing body of the school corporation consists of five (5) members.
 33 ~~elected on a nonpartisan basis.~~

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

37 (1) is elected from the school district in which the member
 38 resides; and

39 (2) upon election and in conducting the business of the
 40 governing body, represents the interests of the entire school
 41 corporation.

42 (c) Two (2) of the members:



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- 1 (1) are elected by eligible voters residing in the school
 2 corporation;
 3 (2) are at-large members of the governing body; and
 4 (3) upon election and in conducting the business of the
 5 governing body, represent the interests of the entire school
 6 corporation.

7 SECTION 3-~~8~~[9]. IC 20-23-14-5, AS AMENDED BY
 8 P.L.6-2012, SECTION 127, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. To be eligible to be a
 10 candidate for the governing body under this chapter, the following
 11 apply:

12 (1) Each prospective candidate must file a petition of nomination
 13 with the board of elections and registration not earlier than one
 14 hundred four (104) days and not later than noon seventy-four
 15 (74) days before the general election at which the members are
 16 to be elected. The petition of nomination must include the
 17 following:

18 (A) The name of the prospective candidate.

19 (B) Whether the prospective candidate is a district
 20 candidate or an at-large candidate.

21 (C) A certification that the prospective candidate meets the
 22 qualifications for candidacy imposed under this chapter.

23 (D) The signatures of at least one hundred (100) registered
 24 voters residing in the school corporation. **for election shall
 25 be nominated as provided in IC 3-8-2[.5] or
 26 IC 3-8-~~6~~[2.7], whichever is applicable to the
 27 particular candidate.**

28 (2) Each prospective candidate for a district position must:

29 (A) reside in the district; and

30 (B) have resided in the district for at least the three (3) years
 31 immediately preceding the election.

32 (3) Each prospective candidate for an at-large position must:

33 (A) reside in the school corporation; and

34 (B) have resided in the school corporation for at least the
 35 three (3) years immediately preceding the election.

36 (4) Each prospective candidate (regardless of whether the
 37 candidate is a district candidate or an at-large candidate) must:

38 (A) be a registered voter;

39 (B) have been a registered voter for at least the three (3)
 40 years immediately preceding the election; and

41 (C) be a high school graduate or have received a:

42 (i) high school equivalency certificate; or

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1 (ii) state general educational development (GED)
 2 diploma under IC 20-20-6 (before its repeal) or
 3 IC 22-4.1-18.

4 (5) A ~~prospective~~ candidate may not:
 5 (A) hold any other elective or appointive office; or
 6 (B) have a pecuniary interest in any contract with the school
 7 corporation or its governing body;
 8 as prohibited by law.

9 SECTION ~~39~~ [40]. IC 20-23-15-6, AS ADDED BY P.L.1-2005,
 10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2024]: Sec. 6. (a) The governing body of the school
 12 corporation consists of seven (7) members who shall be elected

13 ~~(1) on a nonpartisan basis; and~~
 14 ~~(2) in the general election held in the county.~~

15 (b) Five (5) of the members shall be elected from the school
 16 districts in which the members reside as established under section 7 of
 17 this chapter.

18 (c) Two (2) of the members shall be elected at large.

19 **(d) Each candidate for election shall be nominated as provided**
 20 **in IC 3-8-2[.5] or IC 3-8-~~6~~ [2.7], whichever is applicable to the**
 21 **particular candidate.**

22 SECTION 4-~~6~~ [1]. IC 20-23-17-3, AS AMENDED BY
 23 P.L.219-2013, SECTION 86, IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3. (a) The
 25 governing body of the school corporation consists of five (5) members
 26 chosen as follows:

27 (1) Three (3) members shall be elected by the voters of the
 28 school corporation at a general election to be held in the county
 29 and every four (4) years thereafter.

30 (2) One (1) member shall be appointed by the city executive.

31 (3) One (1) member shall be appointed by the city legislative
 32 body.

33 (b) The members elected under subsection (a)(1) shall be elected
 34 as follows:

35 ~~(1) On a nonpartisan basis.~~

36 ~~(2) (1) In a general election held in the county.~~

37 ~~(3) (2) By the registered voters of the entire school corporation.~~

38 (c) The following apply to an election of members of the
 39 governing body of the school corporation under subsection (a)(1):

40 (1) Each candidate ~~must file a petition of nomination with the~~
 41 ~~circuit court clerk not earlier than one hundred four (104) days~~
 42 ~~and not later than seventy-four (74) days before the election at~~



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1 which members are to be elected: The petition of nomination
2 must include the following information:

- 3 (A) The name of the candidate:
- 4 (B) A certification that the candidate meets the
- 5 qualifications for candidacy imposed by this chapter: for
- 6 election shall be nominated as provided in IC 3-8-2[.5]
- 7 or IC 3-8-~~6~~[2.7], whichever is applicable to the
- 8 particular candidate.

9 (2) Only eligible voters residing in the school corporation may
10 vote for a candidate seeking election.

11 SECTION 4~~+~~[2]. IC 20-23-17.2-3.1, AS AMENDED BY
12 P.L.193-2021, SECTION 106, IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3.1. (a) The
14 governing body of the school corporation consists of five (5) members,
15 elected as provided in this chapter.

- 16 (b) Three (3) members shall be elected as follows:
 - 17 (1) From districts established as provided in section 4.1 of this
 - 18 chapter.
 - 19 ~~(2) On a nonpartisan basis:~~
 - 20 ~~(3) (2)~~ At the general election held in the county in 2022 and
 - 21 every four (4) years thereafter.

- 22 (c) Two (2) members shall be elected as follows:
 - 23 (1) At large by all the voters of the school corporation.
 - 24 ~~(2) On a nonpartisan basis:~~
 - 25 ~~(3) (2)~~ At the general election held in the county in 2024 and
 - 26 every four (4) years thereafter.

- 27 (d) The term of office of a member of the governing body:
 - 28 (1) is four (4) years; and
 - 29 (2) begins January 1 after the election of members of the
 - 30 governing body.

31 (e) Upon assuming office and in conducting the business of the
32 governing body, a member shall represent the interests of the entire
33 school corporation.

34 SECTION 4~~+~~[3]. IC 20-23-17.2-5, AS AMENDED BY
35 P.L.222-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) The following apply to
37 an election of members of the governing body of the school corporation
38 under section 3.1(b) of this chapter:

- 39 (1) Each candidate must file a petition of nomination with the
- 40 circuit court clerk not earlier than one hundred four (104) days
- 41 and not later than seventy-four (74) days before the general
- 42 election at which members are to be elected: The petition of

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1 nomination must include the following information:
 2 (A) The name of the candidate:
 3 (B) The candidate's residence address and the district in
 4 which the candidate resides:
 5 (C) The signatures of at least twenty (20) registered voters
 6 residing within the school corporation district the candidate
 7 seeks to represent:
 8 (D) A certification that the candidate meets the
 9 qualifications for candidacy imposed by this chapter.
 10 (E) The school corporation district that the candidate seeks
 11 to represent. **for election shall be nominated as provided**
 12 **in IC 3-8-2[.5] or IC 3-8-~~6~~[2.7], whichever is**
 13 **applicable to the particular candidate.**
 14 (2) Only eligible voters residing in the school corporation district
 15 as provided in section 4.1 of this chapter may vote for a
 16 candidate to represent that school corporation district.
 17 (3) One (1) candidate shall be elected for each school
 18 corporation district provided by section 4.1 of this chapter. The
 19 candidate elected for a school corporation district must reside
 20 within the boundaries of the school corporation district. The
 21 candidate elected as the member for a particular school
 22 corporation district is the candidate who, among all the
 23 candidates who reside within that school corporation district,
 24 receives the greatest number of votes from voters residing in that
 25 school corporation district.
 26 (b) The following apply to an election of the members of the
 27 governing body of the school corporation under section 3.1(c) of this
 28 chapter:
 29 (1) Each candidate must file a petition of nomination with the
 30 circuit court clerk not earlier than one hundred four (104) days
 31 and not later than seventy-four (74) days before the general
 32 election at which members are to be elected. The petition of
 33 nomination must include the following information:
 34 (A) The name of the candidate:
 35 (B) The candidate's residence address:
 36 (C) The signatures of at least one hundred (100) registered
 37 voters residing within the school corporation:
 38 (D) A certification that the candidate meets the
 39 qualifications for candidacy imposed by this chapter.
 40 (E) The fact that the candidate seeks to be elected from the
 41 school corporation at large. **for election shall be**
 42 **nominated as provided in IC 3-8-2[.5] or**

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

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

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

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

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

25 SECTION 4<<=>[5]. IC 20-26-4-4, AS AMENDED BY
 26 P.L.193-2021, SECTION 107, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 4. (a) **This**
 28 **section does not apply to:**

29 **(1) a vacancy of a member who serves on a governing body**
 30 **in an ex officio capacity; or**

31 **(2) a vacancy in an appointed board member position if the**
 32 **plan, resolution, or law under which the school corporation**
 33 **operates specifically provides for filling vacancies by the**
 34 **appointing authority.**

35 (b) If fewer candidates have been elected to the school board than
 36 there were members to be elected, the governing body shall determine
 37 not later than noon December 31 following the election which
 38 incumbent member or members continue to hold office under Article
 39 15, Section 3 of the Constitution of the State of Indiana until a
 40 successor is elected and qualified. However,

41 (c) If a vacancy in the membership of a governing body occurs **for**
 42 **any reason**, whether the vacancy was of an elected or appointed



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1 member, the vacancy shall be filled as follows:

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

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

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

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

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

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

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

25 SECTION 4-~~5~~[6]. IC 20-26-4-4.5, AS AMENDED BY
 26 P.L.233-2015, SECTION 95, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 4.5. (a) The
 28 definitions in IC 3-5-2 apply to this section.

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

35 SECTION 4-~~6~~[7]. IC 33-33-53-5, AS AMENDED BY
 36 P.L.179-2011, SECTION 33, IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 5. In accordance
 38 with rules adopted by the judges of the court under section 6 of this
 39 chapter, the presiding judge shall do the following:

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

42 (2) Annually submit to the fiscal body of Monroe County a



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1 budget for the court, including amounts necessary for:
 2 (A) the operation of the circuit's probation department;
 3 (B) the defense of indigents; and
 4 (C) maintaining an adequate law library.
 5 (3) Make the appointments or selections required of a circuit or
 6 superior court judge under the following statutes:
 7 IC 8-4-21-2
 8 IC 11-12-2-2
 9 IC 16-22-2-4
 10 IC 16-22-2-11
 11 IC 16-22-7
 12 IC 20-23-4
 13 IC 20-23-7-6
 14 ~~IC 20-23-7-8.1~~
 15 IC 20-26-7-8
 16 IC 20-26-7-14
 17 IC 20-47-2-15
 18 IC 20-47-3-13
 19 IC 36-9
 20 IC 36-10
 21 IC 36-12-10-10.
 22 (4) Make appointments or selections required of a circuit or
 23 superior court judge by any other statute, if the appointment or
 24 selection is not required of the court because of an action before
 25 the court.
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