
HOUSE BILL No. 1428

AM142806 has been incorporated into introduced printing.

Synopsis: School board elections.

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2023

IN 1428—LS 6232/DI 144



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

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HOUSE BILL No. 1428

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-44 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 44. (a) "School
- 3 board" means the ~~fiscal~~ **governing** body of a school corporation (**as**
- 4 **defined in IC 20-18-2-5**).
- 5 (b) **The term includes an elected school advisory board.**
- 6 SECTION 2. IC 3-5-2-45 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 45. (a) "School
- 8 board office" refers to an elected position on the school board of a
- 9 school corporation.
- 10 (b) **The term includes an elected school advisory board office.**
- 11 SECTION 3. IC 3-5-4-1.7, 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

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1 major political party of a county in which any part of the election
 2 district is located must file a sworn statement before a person
 3 authorized to administer oaths, with the election division or election
 4 board:

5 (1) questioning the eligibility of the candidate to seek the office;
 6 and

7 (2) setting forth the facts known to the voter or county chairman
 8 of a major political party of a county concerning this question.

9 (e) The eligibility of a write-in candidate or a candidate nominated
 10 by a convention, petition, or primary may not be challenged under this
 11 section if the commission or board determines that all of the following
 12 occurred:

13 (1) The eligibility of the candidate was challenged under this
 14 section before the candidate was nominated.

15 (2) The commission or board conducted a hearing on the
 16 affidavit before the nomination.

17 (3) This challenge would be based on substantially the same
 18 grounds as the previous challenge to the candidate.

19 (f) Before the commission or election board can consider a contest
 20 to the denial of a certification under ~~IC 3-8-2.5~~ or IC 3-8-6-12, a
 21 candidate (or a person acting on behalf of a candidate in accordance
 22 with **state Indiana** law) must file a sworn statement with the election
 23 division or election board:

24 (1) stating specifically the basis for the contest; and

25 (2) setting forth the facts known to the candidate supporting the
 26 basis for the contest.

27 (g) Upon the filing of a sworn statement under subsection (d) or
 28 (f), the commission or election board shall determine the validity of the
 29 questioned:

30 (1) declaration of candidacy;

31 (2) declaration of intent to be a write-in candidate;

32 (3) request for ballot placement under IC 3-8-3;

33 (4) petition of nomination;

34 (5) certificate of nomination;

35 (6) certificate of candidate selection issued under IC 3-13-1-15
 36 or IC 3-13-2-8; or

37 (7) denial of a certification under ~~IC 3-8-2.5~~ or IC 3-8-6-12.

38 (h) The commission or election board shall deny a filing if the
 39 commission or election board determines that the candidate has not
 40 complied with the applicable requirements for the candidate set forth
 41 in the Constitution of the United States, the Constitution of the State of

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- 1 Indiana, or this title.
- 2 SECTION 5. IC 3-8-1-34, AS AMENDED BY P.L.233-2015,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2024]: Sec. 34. (a) A candidate for a school board office
5 must have resided in the school corporation for at least one (1) year
6 before the election.
- 7 (b) This subsection applies to a candidate for school board office
8 seeking to represent an election district that consists of less than the
9 entire school corporation. The candidate must have resided in the
10 election district for at least one (1) year before the election.
- 11 **(c) A candidate for a school board office may not be an
12 employee or agent of that school corporation.**
- 13 SECTION 6. IC 3-8-2-2 IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JANUARY 1, 2024]: Sec. 2. ~~A person~~ **An individual**
15 who desires to be nominated at a primary election as a candidate of a
16 political party subject to this chapter for a federal, state, legislative, ~~or~~
17 local, **or school board** office shall file a declaration of candidacy.
- 18 SECTION 7. IC 3-8-2.5 IS REPEALED [EFFECTIVE JANUARY
19 1, 2024]. (Nomination for School Board Office).
- 20 SECTION 8. IC 3-8-6-1, AS AMENDED BY P.L.194-2013,
21 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JANUARY 1, 2024]: Sec. 1. ~~(a)~~ This chapter applies to a candidate for
23 nomination to an elected office who:
- 24 (1) is an independent candidate; or
25 (2) represents a political party not qualified to nominate
26 candidates in a primary or by convention.
- 27 ~~(b) This chapter does not apply to a candidate for a school board
28 office:~~
- 29 SECTION 9. IC 3-8-7-28, AS AMENDED BY P.L.216-2015,
30 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JANUARY 1, 2024]: Sec. 28. (a) Except as provided in subsections (b)
32 and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or
33 IC 3-10-1 desires to withdraw as the nominee, the nominee must file a
34 notice of withdrawal in writing with the public official with whom the
35 certificate of nomination was filed by noon:
- 36 (1) July 15 before a general or municipal election;
37 (2) August 1 before a municipal election in a town subject to
38 IC 3-8-5-10;
39 (3) on the date specified for town convention nominees under
40 IC 3-8-5-14.5;
41 (4) on the date specified for declared write-in candidates under

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1 IC 3-8-2-2.7; **or**
 2 ~~(5) on the date specified for a school board candidate under~~
 3 ~~IC 3-8-2.5-4; or~~
 4 ~~(6) (5) forty-five (45) days before a special election.~~

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

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

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

- 19 (1) With the individual's:
- 20 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
 - 21 (B) petition of nomination under ~~IC 3-8-2.5~~ or IC 3-8-6 for
 - 22 an office described in IC 3-8-2-5 in a county with a separate
 - 23 board of registration under IC 3-7-12 after certification by
 - 24 the board of registration;
 - 25 (C) petition of nomination under ~~IC 3-8-2.5~~ or IC 3-8-6 for
 - 26 an office described in IC 3-8-2-5 in a county that does not
 - 27 have a separate board of registration under IC 3-7-12;
 - 28 (D) petition of nomination under IC 3-8-6 for an office
 - 29 described in IC 3-8-2-5 after certification by the county
 - 30 voter registration office;
 - 31 (E) certificate of nomination under IC 3-10-2-15 or
 - 32 IC 3-10-6-12;
 - 33 (F) statement consenting to be a replacement candidate
 - 34 under IC 3-8-6-17;
 - 35 (G) declaration of intent to be a write-in candidate under
 - 36 IC 3-8-2-2.5; or
 - 37 (H) certificate of candidate selection under IC 3-13-1 or
 - 38 IC 3-13-2.
- 39 (2) When the individual assumes a vacant elected office under
 40 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, **IC 3-13-10.5-3, or**
 41 IC 3-13-11. ~~or IC 20-23-4-30.~~ A statement filed under this

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1 subdivision must be filed not later than noon sixty (60) days after
2 the individual assumes the elected office.

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

- 8 (1) United States Senator.
9 (2) Governor.
10 (3) United States Representative.
11 (4) Legislative offices.
12 (5) Local offices.

13 **(6) School board offices.**

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

- 16 (1) vote on candidates for nomination as President of the United
17 States;
18 (2) elect delegates from each county to the party's state
19 convention; and
20 (3) elect a precinct committeeman for each precinct in the county
21 if precinct committeemen are to be elected under section 4.5 of
22 this chapter.

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

30 (b) This subsection applies to a county having a population of
31 more than four hundred thousand (400,000) ~~but~~ **and** less than seven
32 hundred thousand (700,000). The names of all candidates for each
33 office who have qualified under IC 3-8, except for a ~~school board~~
34 ~~office~~, precinct committeeman or state convention delegate, shall be
35 arranged in random order by surnames under the designation of the
36 office. The random order shall be determined using a lottery. The
37 lottery held in accordance with this subsection shall be conducted in
38 public by the county election board. The lottery shall be held not later
39 than fifteen (15) days following the last day for a declaration of
40 candidacy under IC 3-8-2-4. All candidates whose names are to be
41 arranged by way of the lottery shall be notified at least five (5) days

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1 prior to the lottery of the time and place at which the lottery is to be
2 held. Each candidate may have one (1) designated watcher, and each
3 county political party may have one (1) designated watcher who shall
4 be allowed to observe the lottery procedure.

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

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

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

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

27 "OFFICIAL PRIMARY BALLOT
28 _____ Party (insert the name of the political party)".

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

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

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

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

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

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- 1 specified under IC 33, with each division separate if there
 2 is more than one (1) judge of the superior court.
 3 (C) Judge of the probate court.
 4 (D) Prosecuting attorney.
 5 (E) Circuit court clerk.
 6 (4) County offices:
 7 (A) County auditor.
 8 (B) County recorder.
 9 (C) County treasurer.
 10 (D) County sheriff.
 11 (E) County coroner.
 12 (F) County surveyor.
 13 (G) County assessor.
 14 (H) County commissioner.
 15 (I) County council member.
 16 (5) Township offices:
 17 (A) Township assessor (only in a township referred to in
 18 IC 36-6-5-1(d)).
 19 (B) Township trustee.
 20 (C) Township board member.
 21 (D) Judge of the small claims court.
 22 (E) Constable of the small claims court.
 23 (6) City offices:
 24 (A) Mayor.
 25 (B) Clerk or clerk-treasurer.
 26 (C) Judge of the city court.
 27 (D) City-county council member or common council
 28 member.
 29 (7) Town offices:
 30 (A) Clerk-treasurer.
 31 (B) Judge of the town court.
 32 (C) Town council member.
 33 **(8) School board offices.**
 34 (h) The political party offices with candidates for election shall be
 35 placed on the primary election ballot in the following order after the
 36 offices described in subsection (g):
 37 (1) Precinct committeeman.
 38 (2) State convention delegate.
 39 (i) The local offices to be elected at the primary election shall be
 40 placed on the primary election ballot after the offices described in
 41 subsection (h).

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1 (j) The offices described in subsection (i) shall be placed as
2 follows:

- 3 (1) In a separate column on the ballot if voting is by paper ballot.
- 4 (2) After the offices described in subsection (h) in the form
- 5 specified in IC 3-11-13-11 if voting is by ballot card.
- 6 (3) Either:

 - 7 (A) on a separate screen for each office or public question;
 - 8 or
 - 9 (B) after the offices described in subsection (h) in the form
 - 10 specified in IC 3-11-14-3.5;
 - 11 if voting is by an electronic voting system.

12 SECTION 14. IC 3-10-8-1, AS AMENDED BY P.L.219-2013,
13 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2024]: Sec. 1. A special election shall be held in the
15 following cases:

- 16 (1) Whenever two (2) or more candidates for a federal, state,
- 17 legislative, ~~or circuit or school board~~ office receive the ~~highest~~
- 18 **greatest** and an equal number of votes for the office, except as
- 19 provided in Article 5, Section 5 of the Constitution of the State
- 20 of Indiana. ~~or in IC 20.~~
- 21 (2) Whenever a vacancy occurs in the office of United States
- 22 Senator, as provided in IC 3-13-3-1.
- 23 (3) Whenever a vacancy occurs in the office of United States
- 24 Representative unless the vacancy occurs less than seventy-four
- 25 (74) days before a general election.
- 26 (4) Whenever a vacancy occurs in any local office the filling of
- 27 which is not otherwise provided by law.
- 28 (5) Whenever required by law for a public question.
- 29 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
- 30 recount commission under IC 3-12-11-18.
- 31 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
- 32 legislative office unless the vacancy occurs less than
- 33 seventy-four (74) days before a general election.

34 SECTION 15. IC 3-11-2-12, AS AMENDED BY P.L.109-2021,
35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JANUARY 1, 2024]: Sec. 12. The following offices shall be placed on
37 the general election ballot in the following order after the public
38 questions described in section 10(a) of this chapter:

- 39 (1) Federal and state offices:

 - 40 (A) President and Vice President of the United States.
 - 41 (B) United States Senator.

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

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1 member.

2 (7) Town offices:

3 (A) Clerk-treasurer.

4 (B) Judge of the town court.

5 (C) Town council member.

6 **(8) School board offices.**

7 SECTION 16. IC 3-11-2-12.4, AS AMENDED BY P.L.109-2021,

8 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

9 JANUARY 1, 2024]: Sec. 12.4. (a) This section applies whenever more

10 than one (1) candidate may be elected to an office.

11 (b) The office shall be placed on the general election ballot after

12 the offices described in section 12 of this chapter. ~~and before the~~

13 ~~offices described in section 12.9 of this chapter.~~

14 (c) Whenever candidates are to be elected to a county council, city

15 common council, or town council that includes both an at-large

16 member and a member representing a district, the candidates seeking

17 election as an at-large member shall be placed on the ballot before

18 candidates seeking to represent a district.

19 (d) The ballot shall contain a statement reading substantially as

20 follows above the name of the first candidate: "To vote for any

21 candidate for this office, you must make a voting mark for each

22 candidate you wish to vote for. A straight party vote will not count as

23 a vote for any candidate for this office."

24 SECTION 17. IC 3-11-2-12.9 IS REPEALED [EFFECTIVE

25 JANUARY 1, 2024]. ~~Sec. 12.9:~~ (a) ~~School board offices to be elected~~

26 ~~at the general election shall be placed on the general election ballot~~

27 ~~after the offices described in section 12.4 of this chapter with each~~

28 ~~candidate for the office designated as "nonpartisan".~~

29 (b) ~~If the ballot contains a candidate for a school board office, the~~

30 ~~ballot must also contain a statement that reads substantially as follows:~~

31 ~~"To vote for a candidate for this office, make a voting mark on or in the~~

32 ~~square to the left of the candidate's name."~~

33 (c) ~~Whenever candidates are to be elected to a school board office~~

34 ~~that includes both an at-large member and a member representing a~~

35 ~~district, the candidates seeking election as an at-large member shall be~~

36 ~~placed on the ballot before candidates seeking to represent a district.~~

37 SECTION 18. IC 3-11-2-13, AS AMENDED BY P.L.190-2011,

38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

39 JANUARY 1, 2024]: Sec. 13. (a) The following offices shall be placed

40 on the general election ballot in the following order after the offices

41 described in section ~~12.9~~ **12.4** of this chapter:

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- 1 (1) Retention of a justice of the supreme court.
- 2 (2) Retention of a judge of the court of appeals.
- 3 (3) Retention of the judge of the tax court.
- 4 (b) Whenever more than one (1) justice of the supreme court is
- 5 subject to retention, the name of each justice must appear on the ballot
- 6 in alphabetical order. However, if the justice serving as chief justice is
- 7 subject to retention, the chief justice's name must appear first.
- 8 (c) Whenever more than one (1) judge of the court of appeals is
- 9 subject to retention, the name of each judge must appear on the ballot
- 10 in alphabetical order. However, if the judge serving as chief judge is
- 11 subject to retention, the chief judge's name must appear first.
- 12 (d) These offices shall be placed in a separate column on the
- 13 ballot.
- 14 SECTION 19. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,
- 15 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JANUARY 1, 2024]: Sec. 4. (a) Except as provided in subsection (b),
- 17 a ballot card voting system must permit a voter to vote:
- 18 (1) except at a primary election, a straight party ticket for all of
- 19 the candidates of one (1) political party by a single voting mark
- 20 on each ballot card;
- 21 (2) for one (1) or more candidates of each political party or
- 22 independent candidates, or for one (1) or more ~~school board~~
- 23 candidates nominated by petition;
- 24 (3) a split ticket for the candidates of different political parties
- 25 and for independent candidates; or
- 26 (4) a straight party ticket and then split that ticket by casting
- 27 individual votes for candidates of another political party or
- 28 independent candidate.
- 29 (b) A ballot card voting system must require that a voter who
- 30 wishes to cast a ballot for a candidate for election to an at-large district
- 31 to which more than one person may be elected, on a:
- 32 (1) county council;
- 33 (2) city common council;
- 34 (3) town council; ~~or~~
- 35 (4) township board; **or**
- 36 (5) **school board;**
- 37 make a voting mark for each individual candidate for whom the voter
- 38 wishes to cast a vote. The ballot card voting system may not count any
- 39 straight party ticket voting mark as a vote for any candidate for an
- 40 office described by this subsection.
- 41 (c) A ballot card voting system must permit a voter to vote:

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1 (1) for all candidates for presidential electors and alternate
 2 presidential electors of a political party or an independent ticket
 3 by making a single voting mark; and
 4 (2) for or against a public question on which the voter may vote.
 5 SECTION 20. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
 6 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2024]: Sec. 10. (a) Except as provided in subsection (b),
 8 an electronic voting system must permit a voter to vote:
 9 (1) except at a primary election, a straight party ticket for all the
 10 candidates of one (1) political party by touching the device of
 11 that party;
 12 (2) for one (1) or more candidates of each political party or
 13 independent candidates, or for one (1) or more ~~school board~~
 14 candidates nominated by petition;
 15 (3) a split ticket for the candidates of different political parties
 16 and for independent candidates; or
 17 (4) a straight party ticket and then split that ticket by casting
 18 individual votes for candidates of another political party or
 19 independent candidates.
 20 (b) An electronic voting system must require that a voter who
 21 wishes to cast a ballot for a candidate for election to an at-large district
 22 to which more than one person may be elected, on a:
 23 (1) county council;
 24 (2) city common council;
 25 (3) town council; ~~or~~
 26 (4) township board; ~~or~~
 27 **(5) school board;**
 28 make a voting mark for each individual candidate for whom the voter
 29 wishes to cast a vote. The electronic voting system may not count any
 30 straight party ticket voting mark as a vote for any candidate for an
 31 office described by this subsection.
 32 (c) An electronic voting system must permit a voter to vote:
 33 (1) for as many candidates for an office as the voter may vote
 34 for, but no more;
 35 (2) for or against a public question on which the voter may vote,
 36 but no other; and
 37 (3) for all the candidates for presidential electors and alternate
 38 presidential electors of a political party or an independent ticket
 39 by making a single voting mark.
 40 SECTION 21. IC 3-11-13-11, AS AMENDED BY P.L.193-2021,
 41 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JANUARY 1, 2024]: Sec. 11. (a) The ballot information, whether
 2 placed on the ballot card or on the marking device, must be in the order
 3 of arrangement provided for ballots under this section.
 4 (b) Each county election board shall have the names of all
 5 candidates for all elected offices, political party offices, and public
 6 questions printed on a ballot card as provided in this chapter. The
 7 county may:
 8 (1) print all offices and questions on a single ballot card; and
 9 (2) include a ballot variation code to ensure that the proper
 10 version of a ballot is used within a precinct.
 11 (c) Each type of ballot card must be of uniform size and of the
 12 same quality and color of paper (except as permitted under
 13 IC 3-10-1-17).
 14 (d) The nominees of a political party or an independent candidate
 15 or independent ticket (described in IC 3-11-2-6) nominated by
 16 petitioners shall be listed on the ballot with the name and device set
 17 forth on the certification or petition. The circle containing the device
 18 may be of any size that permits a voter to readily identify the device.
 19 IC 3-11-2-5 applies if the certification or petition does not include a
 20 name or device, or if the same device is selected by two (2) or more
 21 parties or petitioners.
 22 (e) The offices and public questions on the general election ballot
 23 must be placed on the ballot in the order listed in IC 3-11-2-12,
 24 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);~~
 25 ~~IC 3-11-2-12.9(c);~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),
 26 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). The offices and
 27 public questions may be listed in a continuous column either vertically
 28 or horizontally and on a number of separate pages.
 29 (f) The name of each office must be printed in a uniform size in
 30 bold type. A statement reading substantially as follows must be placed
 31 immediately below the name of the office and above the name of the
 32 first candidate:
 33 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 34 elected to the office.
 35 (2) "Vote for not more than (insert the number of candidates to
 36 be elected) candidate(s) for this office. To vote for any candidate
 37 for this office, you must make a voting mark for each candidate
 38 you wish to vote for. A straight party vote will not count as a
 39 vote for any candidate for this office.", if more than one (1)
 40 candidate is to be elected to the office.
 41 (g) Below the name of the office and the statement required by

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

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- 1 surname.
- 2 A statement reading substantially as follows must be placed
3 immediately below the name of the office and above the name of the
4 first candidate: "Vote for not more than (insert the number of
5 candidates to be elected) candidate(s) of ANY party for this office."
- 6 ~~(j)~~ Candidates for election to at-large seats on the governing body
7 of a school corporation must be grouped:
- 8 (1) under the name of the office that the candidates are seeking;
9 and
10 (2) in alphabetical order according to surname:
- 11 A statement reading substantially as follows must be placed
12 immediately below the name of the office and above the name of the
13 first candidate: "Vote for not more than (insert the number of
14 candidates to be elected) candidate(s) for this office."
- 15 ~~(k)~~ (j) The following information must be placed at the top of the
16 ballot before the first public question is listed:
- 17 (1) The cautionary statement described in IC 3-11-2-7.
18 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
19 and IC 3-11-2-10(e).
- 20 ~~(l)~~ (k) The ballot must include a single connectable arrow, circle,
21 oval, or square, or a voting position for voting a straight party or an
22 independent ticket (described in IC 3-11-2-6) by one (1) mark as
23 required by section 14 of this chapter, and the single connectable
24 arrow, circle, oval, or square, or the voting position for casting a
25 straight party or an independent ticket ballot must be identified by:
- 26 (1) the name of the political party or independent ticket
27 (described in IC 3-11-2-6); and
28 (2) immediately below or beside the political party's or
29 independent ticket's name, the device of that party or ticket
30 (described in IC 3-11-2-5).
- 31 The name and device of each political party or independent ticket must
32 be of uniform size and type and arranged in the order established by
33 subsection (g) for listing candidates under each office. The instructions
34 described in IC 3-11-2-10(c) for voting a straight party ticket and the
35 statement concerning presidential electors required under IC 3-10-4-3
36 must be placed on the ballot label. The instructions for voting a straight
37 party ticket must include the statement: "If you do not wish to vote a
38 straight party ticket, do not make a mark in this section and proceed to
39 voting the ballot by office."
- 40 ~~(m)~~ (l) A public question must be in the form described in
41 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable

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1 arrow, a circle, or an oval may be used instead of a square. Except as
2 expressly authorized or required by statute, a county election board
3 may not print a ballot card that contains language concerning the public
4 question other than the language authorized by a statute.

5 ~~(m)~~ (m) The requirements in this section:

- 6 (1) do not replace; and
- 7 (2) are in addition to;

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

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

13 ~~(p)~~ (o) This subsection applies to an optical scan ballot that does
14 not list:

- 15 (1) the names of political parties or candidates; or
- 16 (2) the text of public questions;

17 on the face of the ballot. The ballot must be prepared in accordance
18 with this section, except that the ballot must include a numbered circle
19 or oval to refer to each political party, candidate, or public question.

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

26 (b) The county may:

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

31 (c) Each type of ballot label must be of uniform size and of the
32 same quality and color of paper (except as permitted under
33 IC 3-10-1-17).

34 (d) The nominees of a political party or an independent candidate
35 or independent ticket (described in IC 3-11-2-6) nominated by
36 petitioners must be listed on the ballot label with the name and device
37 set forth on the certification or petition. The circle containing the
38 device may be of any size that permits a voter to readily identify the
39 device. IC 3-11-2-5 applies if the certification or petition does not
40 include a name or device, or if the same device is selected by two (2)
41 or more parties or petitioners.

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1 (e) The ballot labels must list the offices and public questions on
2 the general election ballot in the order listed in IC 3-11-2-12,
3 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),~~
4 ~~IC 3-11-2-12.9(c),~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),
5 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). Each office and
6 public question may have a separate screen, or the offices and public
7 questions may be listed in a continuous column either vertically or
8 horizontally.

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

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

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

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

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

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

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

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

38 (5) If more than one (1) political party or independent candidate
39 or ticket described in subdivision (4) qualifies to be on the
40 ballot, the parties, candidates, or tickets are listed in the order in
41 which the party filed its petition of nomination under

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- 1 IC 3-8-6-12.
- 2 (6) A space for write-in voting is placed after the candidates
3 listed in subdivisions (1) through (5), if required by law. A space
4 for write-in voting for an office is not required if there are no
5 declared write-in candidates for that office. However, procedures
6 must be implemented to permit write-in voting for candidates for
7 federal offices.
- 8 (7) The name of a write-in candidate may not be listed on the
9 ballot.
- 10 (h) The names of the candidates grouped in the order established
11 by subsection (g) must be printed in type with uniform capital letters
12 and have a uniform space between each name. The name of the
13 candidate's political party, or the word "Independent", if the:
14 (1) candidate; or
15 (2) ticket of candidates for:
16 (A) President and Vice President of the United States; or
17 (B) governor and lieutenant governor;
18 is independent, must be placed immediately below or beside the name
19 of the candidate and must be printed in uniform size and type.
- 20 (i) All the candidates of the same political party for election to
21 at-large seats on the fiscal or legislative body of a political subdivision
22 must be grouped together:
23 (1) under the name of the office that the candidates are seeking;
24 (2) in the party order established by subsection (g); and
25 (3) within the political party, in alphabetical order according to
26 surname.
- 27 A statement reading substantially as follows must be placed
28 immediately below the name of the office and above the name of the
29 first candidate: "Vote for not more than (insert the number of
30 candidates to be elected) candidate(s) of ANY party for this office.".
- 31 ~~(j) Candidates for election to at-large seats on the governing body
32 of a school corporation must be grouped:~~
33 ~~(1) under the name of the office that the candidates are seeking;~~
34 ~~and~~
35 ~~(2) in alphabetical order according to surname:~~
- 36 A statement reading substantially as follows must be placed
37 immediately below the name of the office and above the name of the
38 first candidate: "Vote for not more than (insert the number of
39 candidates to be elected) candidate(s) for this office.".
- 40 ~~(k)~~ (j) The cautionary statement described in IC 3-11-2-7 must be
41 placed at the top or beginning of the ballot label before the first public

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- 1 question is listed.
- 2 ~~(j)~~ **(k)** The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
 3 and IC 3-11-2-10(e) may be:
- 4 (1) placed on the ballot label; or
- 5 (2) posted in a location within the voting booth that permits the
 6 voter to easily read the instructions.
- 7 ~~(m)~~ **(l)** Except as provided in section 14.5 of this chapter, the
 8 ballot label must include a touch sensitive point or button for voting a
 9 straight political party or independent ticket (described in IC 3-11-2-6)
 10 by one (1) touch, and the touch sensitive point or button must be
 11 identified by:
- 12 (1) the name of the political party or independent ticket; and
- 13 (2) immediately below or beside the political party's or
 14 independent ticket's name, the device of that party or ticket
 15 (described in IC 3-11-2-5).
- 16 The name and device of each party or ticket must be of uniform size
 17 and type, and arranged in the order established by subsection (g) for
 18 listing candidates under each office. The instructions described in
 19 IC 3-11-2-10(c) for voting a straight party ticket and the statement
 20 concerning presidential electors required under IC 3-10-4-3 must be
 21 placed on the ballot label. The instructions for voting a straight party
 22 ticket must include the statement: "If you do not wish to vote a straight
 23 party ticket, press "NEXT" (or replace "NEXT" with the term used by
 24 that voting system to permit a voter to skip a ballot screen) to continue
 25 voting."
- 26 ~~(n)~~ **(m)** A public question must be in the form described in
 27 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
 28 point or button must be used instead of a square. Except as expressly
 29 authorized or required by statute, a county election board may not print
 30 a ballot label that contains language concerning the public question
 31 other than the language authorized by a statute.
- 32 ~~(o)~~ **(n)** The requirements in this section:
- 33 (1) do not replace; and
- 34 (2) are in addition to;
- 35 any other requirements in this title that apply to ballots for electronic
 36 voting systems.
- 37 ~~(p)~~ **(o)** The procedure described in IC 3-11-2-16 must be used
 38 when a ballot label does not comply with the requirements imposed by
 39 this title or contains another error or omission that might result in
 40 confusion or mistakes by voters.
- 41 SECTION 23. IC 3-11-14-12 IS REPEALED [EFFECTIVE

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1 JANUARY 1, 2024]. Sec. 12: In school district elections, the county
2 election board shall arrange the names of candidates in alphabetical
3 order on an electronic voting system as required by section 3.5 of this
4 chapter.

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

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

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

14 (b) This subsection applies whenever:

- 15 (1) a voter has voted a straight party ticket for the candidates of
- 16 one (1) political party;
- 17 (2) only one (1) person may be elected to an office; and
- 18 (3) the voter has voted for one (1) individual candidate for the
- 19 office described in subdivision (2) who is:

20 (A) a candidate of a political party other than the party for
21 which the voter voted a straight ticket; or

22 (B) an independent candidate or declared write-in candidate
23 for the office.

24 If the voter has voted for one (1) individual candidate for the office
25 described in subdivision (2), the individual candidate vote for that
26 office shall be counted, the straight party ticket vote for that office may
27 not be counted, and the straight party ticket votes for other offices on
28 the ballot shall be counted.

29 (c) This subsection applies whenever:

- 30 (1) a voter has voted a straight party ticket for the candidates of
- 31 one (1) political party; and
- 32 (2) the voter has voted for more individual candidates for the
- 33 office than the number of persons to be elected to that office.

34 The individual candidate votes for that office may not be counted, the
35 straight party ticket vote for that office may not be counted, and the
36 straight party ticket votes for other offices on the ballot shall be
37 counted.

38 (d) This subsection applies whenever:

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

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- 1 (3) the voter has voted for individual candidates for the office
 2 described in subdivision (2) who are:
 3 (A) independent candidates or declared write-in candidates;
 4 (B) candidates of a political party other than the political
 5 party for which the voter cast a straight party ticket under
 6 subdivision (1); or
 7 (C) a combination of candidates described in clauses (A)
 8 and (B).
- 9 The individual votes cast by the voter for the office for the independent
 10 candidates, declared write-in candidates, and the candidates of a
 11 political party other than the political party for which the voter cast a
 12 straight party ticket shall be counted unless the total number of these
 13 individual votes is greater than the number of persons to be elected to
 14 the office. The straight party ticket votes for the office shall not be
 15 counted. The straight party ticket votes for other offices on the voter's
 16 ballot shall be counted.
- 17 (e) This subsection applies whenever:
 18 (1) a voter has voted a straight party ticket for the candidates of
 19 one (1) political party;
 20 (2) more than one (1) person may be elected to an office; and
 21 (3) the voter has voted for individual candidates for the office
 22 described in subdivision (2) who are:
 23 (A) independent candidates, declared write-in candidates,
 24 or candidates of a political party other than the political
 25 party for which the voter cast a straight party ticket under
 26 subdivision (1); and
 27 (B) candidates of the same political party for which the
 28 voter cast a straight party ticket under subdivision (1).
- 29 The individual votes cast by the voter for the office for the independent
 30 candidates, the declared write-in candidates, and the candidates of a
 31 political party other than the political party for which the voter cast a
 32 straight party ticket, and the candidates of the political party for which
 33 the voter cast a straight party ticket shall be counted unless the total
 34 number of these individual votes is greater than the number of persons
 35 to be elected to the office. The straight party ticket votes for the office
 36 shall not be counted. The straight party ticket votes for other offices on
 37 the voter's ballot shall be counted.
- 38 (f) If a voter votes a straight party ticket for more than one (1)
 39 political party, the whole ballot is void with regard to all candidates
 40 nominated by a political party, declared write-in candidates, or
 41 candidates designated as independent candidates on the ballot.

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1 However, the voter's vote for a school board candidate or on a public
2 question shall be counted if otherwise valid under this chapter.

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

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

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

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

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

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

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

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

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

39 (c) (d) **If a tie vote has occurred for the election of more than one**
40 **(1) at-large seat on a legislative or fiscal body, the fiscal body shall**
41 **select the number of individuals necessary to fill each of the at-large**

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1 seats for which the tie vote occurred. However, a member of a fiscal
 2 body who runs for reelection and is involved in a tie vote may not cast
 3 a vote under this section.

4 ~~(d)~~ (e) The executive of the political subdivision (other than a
 5 town or a school corporation) may cast the deciding vote to break a tie
 6 vote in a fiscal body acting under this section. The clerk-treasurer of
 7 the town may cast the deciding vote to break a tie vote in a town fiscal
 8 body acting under this section. ~~A tie vote in the fiscal body of a school~~
 9 ~~corporation under this section shall be broken under IC 20-23.~~

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

- 13 (1) a state office; **or**
- 14 (2) a local office; **or**
- 15 ~~(3) a school board office;~~

16 occurs, the incumbent public official remains in office in accordance
 17 with Article 15, Section 3 of the Constitution of the State of Indiana
 18 until a successor is elected under this chapter and qualified.

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

22 **Chapter 10.5. School Corporation Governing Body; Resolving**
 23 **Tie Votes; Filling Vacancies**

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

- 26 (1) **The governing body of a school corporation.**
- 27 (2) **The school advisory body of a school corporation.**

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

31 **(b) If a tie vote occurs at an election for a member of the**
 32 **governing body and one (1) of the candidates involved in the tie**
 33 **vote is an incumbent member of the governing body, the incumbent**
 34 **member remains in office in accordance with Article 15, Section 3**
 35 **of the Constitution of the State of Indiana until a successor is**
 36 **elected and qualified as provided in this section.**

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

40 **(d) If a tie vote has occurred for the election of more than one**
 41 **(1) at-large seat on the governing body, the governing body shall**
 42 **select the number of individuals necessary to fill each of the**

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1 at-large seats for which the tie vote occurred from among the
2 candidates who were involved in the tie vote.

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

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

9 Sec. 3. (a) A vacancy on the governing body in an office that
10 was last held by an individual elected or selected as a candidate of
11 a major political party of Indiana shall be filled by a caucus under
12 IC 3-13-11.

13 (b) A vacancy on the governing body in an office that was last
14 held by an individual elected as a candidate other than as a
15 candidate of a major political party of Indiana shall be filled as
16 provided in IC 20-26-4.

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

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

- 29 (1) The plan determines whether members are elected:
 - 30 (A) by all the voters of the school corporation;
 - 31 (B) by all the voters of the school corporation from
 - 32 residence districts; or
 - 33 (C) solely by the voters of each election district
 - 34 established under the plan.

35 (2) IC 3 governs the nomination and election of members of
36 the governing body. A candidate must be nominated as
37 provided in IC 3-8-2 or IC 3-8-6, whichever is applicable to
38 the particular candidate.

39 (c) All nominations shall be listed for each office in the form
40 prescribed by IC 3-11-2; but without party designation. Voting and
41 tabulation of votes shall be conducted in the same manner as voting
42 and tabulation in general elections are conducted. The precinct election

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1 boards serving in each county shall conduct the election for members
 2 of the governing body. If a school corporation is located in more than
 3 one (1) county, each county election board shall print the ballots
 4 required for voters in that county to vote for candidates for members of
 5 the governing body.

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

11 (e) If the plan provides that members of the governing body are to
 12 be elected from residence districts by all voters in the community
 13 school corporation, nominees for the governing body shall be placed on
 14 the ballot in the form prescribed by IC 3-11-2, by residence districts
 15 without party designation. The ballot must state the number of
 16 members to be voted on and the maximum number of members that
 17 may be elected from each residence district as provided in the plan. A
 18 ballot is not valid if more than the maximum number of members are
 19 voted on from a board member residence district. The candidates who
 20 receive the most votes are elected. However, if more than the
 21 maximum number that may be elected from a residence district are
 22 among those receiving the most votes, the candidates from the
 23 residence districts exceeding the maximum number who receive the
 24 fewest votes shall be eliminated in determining the candidates who are
 25 elected.

26 (f) If the plan provides that members of the governing body are to
 27 be elected from electoral districts solely by the voters of each district,
 28 nominees residing in each electoral district shall be placed on the ballot
 29 in the form prescribed by IC 3-11-2, without party designation. The
 30 ballot must state the number of members to be voted on from the
 31 electoral district. The candidates residing in the electoral district who
 32 receive the most votes are elected.

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

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

39 (c) If after the first governing body takes office, fewer candidates
 40 have been elected to the school board than there were members to be
 41 elected, the governing body shall determine not later than noon

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1 December 31 following the election which incumbent member or
 2 members continue to hold office under Article 15, Section 3 of the
 3 Constitution of the State of Indiana until a successor is elected and
 4 qualified. However,

5 (d) If there is a vacancy on the governing body, whether the
 6 vacating member was elected or appointed, ~~the remaining members of~~
 7 ~~the governing body, whether or not a majority of the governing body,~~
 8 ~~shall by a majority vote fill the vacancy by appointing a person from~~
 9 ~~within the boundaries of the community school corporation to serve for~~
 10 ~~the term or balance of the term. An individual appointed under this~~
 11 ~~subsection must possess the qualifications provided for a regularly~~
 12 ~~elected or appointed governing body member filling the office. If:~~

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

15 (2) the governing body fails to act within thirty (30) days after
 16 any vacancy occurs;

17 the judge of the circuit court in the county where the majority of
 18 registered voters of the school corporation reside shall make the
 19 appointment. **the vacancy shall be filled as provided in**
 20 **IC 3-13-10.5-3.**

21 ~~(d)~~ (e) A vacancy in the governing body occurs if a member ceases
 22 to be a resident of ~~any~~ the community school corporation. A vacancy
 23 does not occur when the member moves from a district of the school
 24 corporation from which the member was elected or appointed if the
 25 member continues to be a resident of the school corporation.

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

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

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

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

36 (f) (g) Elected governing body members take office and assume
 37 their duties on the date set in the school corporation's organization plan.
 38 The date set in the organization plan for an elected member of the
 39 governing body to take office may not be more than fourteen (14)
 40 months after the date of the member's election. If the school
 41 corporation's organization plan does not set a date for an elected

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1 member of the governing body to take office, the member takes office
2 January 1 immediately after the member's election.

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

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

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

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

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

16 (2) Three (3) members, who are voted upon by all the registered
17 voters residing within the school corporation and voting at a
18 governing body election, elected under this subdivision. The
19 governing body shall establish three (3) residential districts as
20 follows:

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

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

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

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

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

30 (2) appointed to fill a vacancy from an election or a residential
31 district;

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

33 (d) A vacancy on the governing body shall be filled ~~by the~~
34 ~~governing body as soon as practicable after the vacancy occurs. A~~
35 ~~member chosen by the governing body to fill a vacancy holds office for~~
36 ~~the remainder of the unexpired term. as provided in IC 3-13-10.5-3.~~

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

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

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

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- 1 (2) may not cross precinct lines; and
- 2 (3) as nearly as practicable, be of equal population, with the
- 3 population of the largest exceeding the population of the
- 4 smallest by not more than fifteen percent (15%).
- 5 (g) The residential districts described in subsection (b)(2) may:
- 6 (1) be drawn in any manner considered appropriate by the
- 7 governing body; and
- 8 (2) be drawn along township lines.
- 9 (h) The governing body shall certify the districts that are
- 10 established under subsections (f) and (g), amended under subsection
- 11 (e), or recertified under section 35.5 of this chapter to:
- 12 (1) the state board; and
- 13 (2) the circuit court clerk of each county in which the school
- 14 corporation is located as provided in section 35.5 of this chapter.
- 15 (i) The governing body shall designate:
- 16 (1) three (3) of the districts established under this section to be
- 17 elected at the first school board election that occurs after the
- 18 effective date of the plan; and
- 19 (2) the remaining four (4) districts to be elected at the second
- 20 school board election that occurs after the effective date of the
- 21 plan.
- 22 (j) The limitations set forth in this section are part of the plan, but
- 23 do not have to be specifically set forth in the plan. The plan must be
- 24 construed, if possible, to comply with this chapter. If a provision of the
- 25 plan or an application of the plan violates this chapter, the invalidity
- 26 does not affect the other provisions or applications of the plan that can
- 27 be given effect without the invalid provision or application. The
- 28 provisions of the plan are severable.
- 29 (k) IC 3-5-10 applies to a plan established under this section.
- 30 SECTION 32. IC 20-23-4-44, AS AMENDED BY P.L.104-2022,
- 31 SECTION 120, IS AMENDED TO READ AS FOLLOWS
- 32 [EFFECTIVE JANUARY 1, 2024]: Sec. 44. (a) This section applies
- 33 only to a school corporation with territory in a county having a
- 34 population of more than one hundred eighty-five thousand (185,000)
- 35 and less than two hundred thousand (200,000).
- 36 (b) ~~This section applies~~ If there is a
- 37 ~~(1) tie vote in an election for a member of the governing body of~~
- 38 ~~a school corporation, or~~
- 39 ~~(2) vacancy on the governing body of a school corporation:~~
- 40 **the tie vote shall be resolved as provided in IC 3-13-10.5-2.**
- 41 (c) ~~Notwithstanding any other law, If a tie vote occurs among any~~

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1 of the candidates for the governing body or a vacancy occurs on the
2 governing body, the remaining members of the governing body; even
3 if the remaining members do not constitute a majority of the governing
4 body; shall by a majority vote of the remaining members:

5 (1) select one (1) of the candidates who shall be declared and
6 certified elected; or

7 (2) fill the vacancy by appointing an individual to fill the
8 vacancy. **the vacancy shall be filled as provided in**
9 **IC 3-13-10.5-3.**

10 (d) An individual appointed to fill a vacancy under subsection
11 (c)(2):

12 (1) must satisfy all the qualifications required of a member of the
13 governing body; and

14 (2) shall fill the remainder of the unexpired term of the vacating
15 member.

16 (e) If a tie vote occurs among the remaining members of the
17 governing body or the governing body fails to act within thirty (30)
18 days after the election or the vacancy occurs, the fiscal body (as
19 defined in IC 3-5-2-25) of the township in which the greatest
20 percentage of population of the school district resides shall break the
21 tie or make the appointment. A member of the fiscal body who was a
22 candidate and is involved in a tie vote may not cast a vote under this
23 subsection.

24 (f) If the fiscal body of a township is required to act under this
25 section and a vote in the fiscal body results in a tie, the deciding vote
26 to break the tie vote shall be cast by the executive.

27 SECTION 33. IC 20-23-7-8.1, AS AMENDED BY P.L.219-2013,
28 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JANUARY 1, 2024]: Sec. 8.1. (a) The registered voters of the
30 metropolitan school district shall elect the members of the metropolitan
31 board of education at general elections held biennially, beginning with
32 the next general election that is held more than sixty (60) days after the
33 creation of the metropolitan school district as provided in this chapter.

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

39 (c) Nominees for the board shall be listed on the general election
40 ballot:

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

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- 1 (2) by board member districts; and
 2 (3) without party designation.
- 3 The ballot must state the number of board members to be voted on and
 4 the maximum number of members that may be elected from each board
 5 member district as provided under section 5 of this chapter. A ballot
 6 that contains more votes than the maximum number allowed from a
 7 board member district is invalid.
- 8 (d) The precinct election boards in each county serving at the
 9 general election shall conduct the election for school board members.
- 10 (e) Voting and tabulation of votes shall be conducted in
 11 accordance with IC 3; and the candidates who receive the most votes
 12 are elected to the board.
- 13 (f) If there are more candidates from a particular board member
 14 district than may be elected from the board member district under
 15 section 5 of this chapter:
- 16 (1) the number of candidates elected is the greatest number that
 17 may be elected from the board member district;
 18 (2) the candidates elected are those who, among the candidates
 19 from the board member district, receive the most votes; and
 20 (3) the other candidates from the board member district are
 21 eliminated.
- 22 **(b) IC 3 governs the nomination and election of candidates. A**
 23 **candidate must be nominated as provided in IC 3-8-2 or IC 3-8-6,**
 24 **whichever is applicable to the particular candidate.**
- 25 (g) (c) If there is a tie vote among the candidates for the board, the
 26 judge of the circuit court in the county where the majority of the
 27 registered voters of the metropolitan school district reside shall select
 28 one (1) of the candidates who shall be declared and certified elected:
 29 **the tie vote shall be resolved as provided in IC 3-13-10.5-2.**
- 30 (h) (d) If, at any time after the first board member election, A
 31 vacancy on the board **that** occurs for any reason including an
 32 insufficient number of petitions for candidates being filed, and
 33 regardless of whether the vacating member was elected or appointed;
 34 the remaining members of the board; whether or not a majority of the
 35 board; shall by a majority vote fill the vacancy by:
- 36 (1) appointing a person from the board member district from
 37 which the person who vacated the board was elected; or
 38 (2) if the person was appointed; appointing a person from the
 39 board member district from which the last elected predecessor
 40 of the person was elected.
- 41 If a majority of the remaining members of the board is unable to agree

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1 or the board fails to act within thirty (30) days after a vacancy occurs;
 2 the judge of the circuit court in the county where the majority of
 3 registered voters of the metropolitan school district reside shall make
 4 the appointment: **shall be filled as provided in IC 3-13-10.5-3.**

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

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

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

10 a successor to a board member appointed under subsection (h) shall be
 11 elected. Unless the successor takes office at the end of the term of the
 12 vacating member, the member shall serve only for the balance of the
 13 vacating member's term. In an election for a successor board member
 14 to fill a vacancy for a two (2) year balance of a term, candidates for
 15 board membership need not file for or with reference to the vacancy.
 16 However, as required by IC 3-11-2, candidates for at-large seats must
 17 be distinguished on the ballot from candidates for district seats. If there
 18 is more than one (1) at-large seat on the ballot due to this vacancy, the
 19 elected candidate who receives the fewest votes at the election at which
 20 the successor is elected shall serve for a two (2) year term.

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

26 (k) (f) Board members shall be elected for four (4) year terms after
 27 the first election and shall take office on the date set in the school
 28 corporation's organization plan. The date set in the organization plan
 29 for an elected member of the governing body to take office may not be
 30 more than fourteen (14) months after the date of the member's election.
 31 If the school corporation's organization plan does not set a date for an
 32 elected member of the governing body to take office, the member takes
 33 office January 1 immediately following the member's election.

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

40 (b) Until the first election under subsection (a), the board of
 41 trustees of the merged school corporation consists of the members of

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1 the governing body of a school corporation in the county.

2 (c) The first board of trustees shall select the name of the merged
3 school corporation by a majority vote. The name may be changed by
4 unanimous vote of the governing body of the merged school
5 corporation.

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

15 ~~(1) On a nonpartisan basis:~~

16 ~~(2) in a general election in the county.~~

17 The advisory board is created to provide nonbinding recommendations
18 to the emergency manager.

19 (b) Six (6) of the members shall be elected from the school
20 districts drawn under section 4 of this chapter. Each member:

21 (1) is elected from the school district in which the member
22 resides; and

23 (2) upon election and in conducting the business of the advisory
24 board, represents the interests of the entire school corporation.

25 (c) One (1) of the members elected:

26 (1) is the at-large member of the advisory board;

27 (2) may reside in any of the districts drawn under section 4 of
28 this chapter; and

29 (3) upon election and in conducting the business of the advisory
30 board, represents the interests of the entire school corporation.

31 (d) A per diem may not be paid to a member.

32 (e) The advisory board may hold a public meeting subject to the
33 limits on the number of meetings set forth in IC 6-1.1-20.3-6.8(d). The
34 advisory board is subject to IC 5-14-1.5 (the open door law) for these
35 meetings. The advisory board may hold additional meetings that are
36 authorized as executive sessions under IC 5-14-1.5 (the open door law)
37 as provided in IC 5-14-1.5-6.1. The advisory board is subject to the
38 public notice requirements of IC 5-14-1.5 (the open door law) for these
39 additional meetings. The records of the advisory board are subject to
40 IC 5-14-3 (access to public records).

41 SECTION 36. IC 20-23-12-5, AS AMENDED BY



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

5 (1) Each prospective candidate must file a nomination petition
 6 with the board of elections and registration not earlier than one
 7 hundred four (104) days and not later than noon seventy-four
 8 (74) days before the election at which the members are to be
 9 elected that includes the following information:

10 (A) The name of the prospective candidate.

11 (B) The district in which the prospective candidate resides.

12 (C) The signatures of at least one hundred (100) registered
 13 voters residing in the school corporation.

14 (D) The fact that the prospective candidate is running for a
 15 district position.

16 (E) A certification that the prospective candidate meets the
 17 qualifications for candidacy imposed by this chapter. **shall**
 18 **be nominated as provided in IC 3-8-2 or IC 3-8-6,**
 19 **whichever is applicable to the particular candidate.**

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

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

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

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

32 (A) The name of the prospective candidate.

33 (B) The signatures of at least one hundred (100) registered
 34 voters residing within the school corporation.

35 (C) The fact that the prospective candidate is running for
 36 the at-large position on the advisory board.

37 (D) A certification that the prospective candidate meets the
 38 qualifications for candidacy imposed by this chapter. **shall**
 39 **be nominated as provided in IC 3-8-2 or IC 3-8-6,**
 40 **whichever is applicable to the candidate.**

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

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- 1 (3) The candidate who:
- 2 (A) runs for the at-large position on the advisory board; and
- 3 (B) receives the greatest number of votes in the school
- 4 corporation;
- 5 is elected to the at-large position. **IC 3 governs the nomination**
- 6 **and election of the member of the advisory board under this**
- 7 **subsection.**
- 8 SECTION 37. IC 20-23-13-2.1, AS ADDED BY P.L.179-2011,
- 9 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JANUARY 1, 2024]: Sec. 2.1. (a) As used in this section, "county
- 11 election board" includes a board of elections and registration
- 12 established under IC 3-6-5.2.
- 13 (b) (a) The voters of the school corporation shall elect the
- 14 members of the governing body at a general election for a term of four
- 15 (4) years. The members shall be elected from the city at large without
- 16 reference to district.
- 17 (c) (b) Each candidate for election to the governing body must file
- 18 a petition of nomination with the county election board in each county
- 19 in which a school corporation subject to this chapter is located. The
- 20 petition of nomination must comply with IC 3-8-2.5 and the following
- 21 requirements:
- 22 (1) The petition must be signed by at least two hundred (200)
- 23 legal voters of the school corporation.
- 24 (2) Each petition may nominate only one (1) candidate.
- 25 (3) The number of petitions signed by a legal voter may not
- 26 exceed the number of school trustees to be elected. **shall be**
- 27 **nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is**
- 28 **applicable to the particular candidate.**
- 29 (d) (c) After all the petitions described in subsection (c) are filed
- 30 with the county election board, the board shall publish the names of
- 31 those nominated in accordance with IC 5-3-1 and shall certify the
- 32 nominations in the manner required by law. IC 3 governs the election
- 33 to the extent that it is not inconsistent with this chapter.
- 34 (e) The county election board shall prepare the ballot for the
- 35 general election at which members of the governing body are to be
- 36 elected so that the names of the candidates nominated appear on the
- 37 ballot:
- 38 (1) in alphabetical order;
- 39 (2) without party designation; and
- 40 (3) in the form prescribed by IC 3-11-2.
- 41 (f) The county election board shall not publish or place on the

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1 ballot the name of a candidate who is not eligible under this chapter for
2 membership on the governing body.

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

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

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

13 (1) is elected from the school district in which the member
14 resides; and

15 (2) upon election and in conducting the business of the
16 governing body, represents the interests of the entire school
17 corporation.

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

19 (1) are elected by eligible voters residing in the school
20 corporation;

21 (2) are at-large members of the governing body; and

22 (3) upon election and in conducting the business of the
23 governing body, represent the interests of the entire school
24 corporation.

25 SECTION 39. IC 20-23-14-5, AS AMENDED BY P.L.6-2012,
26 SECTION 127, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. To be eligible to be a
28 candidate for the governing body under this chapter, the following
29 apply:

30 (1) Each prospective candidate must file a petition of nomination
31 with the board of elections and registration not earlier than one
32 hundred four (104) days and not later than noon seventy-four
33 (74) days before the general election at which the members are
34 to be elected. The petition of nomination must include the
35 following:

36 (A) The name of the prospective candidate.

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

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

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

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

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

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- 1 ~~(3)~~ **(2)** At the general election held in the county in 2024 and
- 2 every four (4) years thereafter.
- 3 (d) The term of office of a member of the governing body:
- 4 (1) is four (4) years; and
- 5 (2) begins January 1 after the election of members of the
- 6 governing body.
- 7 (e) Upon assuming office and in conducting the business of the
- 8 governing body, a member shall represent the interests of the entire
- 9 school corporation.
- 10 SECTION 43. IC 20-23-17.2-5, AS AMENDED BY
- 11 P.L.222-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS
- 12 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) The following apply to
- 13 an election of members of the governing body of the school corporation
- 14 under section 3.1(b) of this chapter:
- 15 (1) Each candidate ~~must file a petition of nomination with the~~
- 16 ~~circuit court clerk not earlier than one hundred four (104) days~~
- 17 ~~and not later than seventy-four (74) days before the general~~
- 18 ~~election at which members are to be elected. The petition of~~
- 19 ~~nomination must include the following information:~~
- 20 (A) ~~The name of the candidate.~~
- 21 (B) ~~The candidate's residence address and the district in~~
- 22 ~~which the candidate resides.~~
- 23 (C) ~~The signatures of at least twenty (20) registered voters~~
- 24 ~~residing within the school corporation district the candidate~~
- 25 ~~seeks to represent.~~
- 26 (D) ~~A certification that the candidate meets the~~
- 27 ~~qualifications for candidacy imposed by this chapter.~~
- 28 (E) ~~The school corporation district that the candidate seeks~~
- 29 ~~to represent. for election shall be nominated as provided~~
- 30 ~~in IC 3-8-2 or IC 3-8-6, whichever is applicable to the~~
- 31 ~~particular candidate.~~
- 32 (2) Only eligible voters residing in the school corporation district
- 33 as provided in section 4.1 of this chapter may vote for a
- 34 candidate to represent that school corporation district.
- 35 (3) One (1) candidate shall be elected for each school
- 36 corporation district provided by section 4.1 of this chapter. The
- 37 candidate elected for a school corporation district must reside
- 38 within the boundaries of the school corporation district. The
- 39 candidate elected as the member for a particular school
- 40 corporation district is the candidate who, among all the
- 41 candidates who reside within that school corporation district,

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1 receives the greatest number of votes from voters residing in that
 2 school corporation district.
 3 (b) The following apply to an election of the members of the
 4 governing body of the school corporation under section 3.1(c) of this
 5 chapter:
 6 (1) Each candidate must file a petition of nomination with the
 7 circuit court clerk not earlier than one hundred four (104) days
 8 and not later than seventy-four (74) days before the general
 9 election at which members are to be elected. The petition of
 10 nomination must include the following information:
 11 (A) The name of the candidate;
 12 (B) The candidate's residence address;
 13 (C) The signatures of at least one hundred (100) registered
 14 voters residing within the school corporation;
 15 (D) A certification that the candidate meets the
 16 qualifications for candidacy imposed by this chapter;
 17 (E) The fact that the candidate seeks to be elected from the
 18 school corporation at large. **for election shall be**
 19 **nominated as provided in IC 3-8-2 or IC 3-8-6,**
 20 **whichever is applicable to the particular candidate.**
 21 (2) Only eligible voters residing in the school corporation may
 22 vote for a candidate.
 23 (3) Two (2) candidates shall be elected at large. The two (2)
 24 candidates who receive the greatest number of votes among all
 25 candidates running for an at-large seat are elected as members of
 26 the governing body.
 27 SECTION 44. IC 20-25-3-4, AS AMENDED BY P.L.169-2022,
 28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2024]: Sec. 4. (a) The board consists of seven (7)
 30 members. A member:
 31 (1) must be elected ~~on a nonpartisan~~ basis in general elections
 32 held in the county as specified in this section; and
 33 (2) serves a four (4) year term.
 34 (b) Five (5) members shall be elected from the school board
 35 districts in which the members reside, and two (2) members must be
 36 elected at large.
 37 (c) If a candidate runs for one (1) of the district positions on the
 38 board, only eligible voters residing in the candidate's district may vote
 39 for that candidate. If a person is a candidate for one (1) of the at-large
 40 positions, eligible voters from all the districts may vote for that
 41 candidate.

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1 (d) If a candidate files to run for a position on the board, the
 2 candidate must specify whether the candidate is running for a district
 3 or an at-large position. **Each candidate for election shall be**
 4 **nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is**
 5 **applicable to the particular candidate.**

6 (e) A candidate who runs for a district or an at-large position wins
 7 if the candidate receives the greatest number of votes of all the
 8 candidates for the position. **IC 3 governs the nomination and election**
 9 **of the members of the board under this section.**

10 (f) Districts shall be established within the school city by the board
 11 of school commissioners. The districts must be drawn on the basis of
 12 precinct lines, and as nearly as practicable, of equal population with the
 13 population of the largest district not to exceed the population of the
 14 smallest district by more than five percent (5%). District lines must not
 15 cross precinct lines. The board of school commissioners, **with**
 16 **assistance from the county election board,** shall establish:

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

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

20 (h) In accordance with subsection (k), a vacancy in the board shall
 21 be filled temporarily by the board as soon as practicable after the
 22 vacancy occurs. The member chosen by the board to fill a vacancy
 23 holds office until the member's successor is elected and qualified. The
 24 successor shall be elected at the next regular school board election
 25 occurring after the date on which the vacancy occurs. The successor
 26 fills the vacancy for the remainder of the term.

27 (i) An individual elected to serve on the board begins the
 28 individual's term on the date set in the school corporation's organization
 29 plan. The date set in the organization plan for an elected member of the
 30 board to take office may not be more than fourteen (14) months after
 31 the date of the member's election. If the school corporation's
 32 organization plan does not set a date for a member of the board to take
 33 office, the member takes office January 1 immediately following the
 34 individual's election.

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

40 (k) If a vacancy in the board exists because of the death of a
 41 member, the remaining members of the board shall meet and select an

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1 individual to fill the vacancy in accordance with subsection (h) after
2 the secretary of the board receives notice of the death under IC 5-8-6.

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

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

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

13 (b) **If fewer candidates have been elected to the school board than**
14 **there were members to be elected, the governing body shall determine**
15 **not later than noon December 31 following the election which**
16 **incumbent member or members continue to hold office under Article**
17 **15, Section 3 of the Constitution of the State of Indiana until a**
18 **successor is elected and qualified. However,**

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

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

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

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

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

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

41 (1) **must possess the qualifications provided for a regularly**
42 **elected or appointed governing body member filling the**

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1 **office; and**
2 **(2) holds office for the remainder of the unexpired term.**
3 SECTION 46. IC 20-26-4-4.5, AS AMENDED BY P.L.233-2015,
4 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2024]: Sec. 4.5. (a) The definitions in IC 3-5-2 apply to
6 this section.
7 (b) If a vacancy in a school board office exists because of the death
8 of a school board member, **the vacancy shall be filled in accordance**
9 **with section 4 of this chapter** the remaining members of the
10 governing body shall meet and select an individual to fill the vacancy
11 after the secretary of the governing body receives notice of the death
12 under IC 5-8-6. ~~and in accordance with section 4 of this chapter.~~
13 SECTION 47. IC 33-33-53-5, AS AMENDED BY P.L.179-2011,
14 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JANUARY 1, 2024]: Sec. 5. In accordance with rules adopted by the
16 judges of the court under section 6 of this chapter, the presiding judge
17 shall do the following:
18 (1) Ensure that the court operates efficiently and judicially under
19 rules adopted by the court.
20 (2) Annually submit to the fiscal body of Monroe County a
21 budget for the court, including amounts necessary for:
22 (A) the operation of the circuit's probation department;
23 (B) the defense of indigents; and
24 (C) maintaining an adequate law library.
25 (3) Make the appointments or selections required of a circuit or
26 superior court judge under the following statutes:
27 IC 8-4-21-2
28 IC 11-12-2-2
29 IC 16-22-2-4
30 IC 16-22-2-11
31 IC 16-22-7
32 IC 20-23-4
33 IC 20-23-7-6
34 ~~IC 20-23-7-8.1~~
35 IC 20-26-7-8
36 IC 20-26-7-14
37 IC 20-47-2-15
38 IC 20-47-3-13
39 IC 36-9
40 IC 36-10
41 IC 36-12-10-10.

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- 1 (4) Make appointments or selections required of a circuit or
- 2 superior court judge by any other statute, if the appointment or
- 3 selection is not required of the court because of an action before
- 4 the court.

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