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# HOUSE BILL No. 1428

Proposed Changes to introduced printing by AM142806

## DIGEST OF PROPOSED AMENDMENT

Proposed committee amendment for HB 1428. Provides that a candidate for a school board office may not be an employee or agent of that school corporation.

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
- 16 registration office may not be made by fax or electronic mail.
- 17 (b) A petition of nomination filed with a county voter registration
- 18 office under IC 3-8-2, ~~IC 3-8-2.5~~; IC 3-8-3, or IC 3-8-6 or a petition to
- 19 place a public question on the ballot, or any other petition filed that
- 20 requires the county voter registration office to certify the validity of

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1 signatures, may not contain the electronic signature, digital signature,  
2 digitized signature, or photocopied signature of a voter.

3 SECTION 4. IC 3-8-1-2, AS AMENDED BY P.L.278-2019,  
4 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JANUARY 1, 2024]: Sec. 2. (a) This section does not apply to a  
6 candidate challenged under IC 3-8-8.

7 (b) The commission, a county election board, or a town election  
8 board shall act if a candidate (or a person acting on behalf of a  
9 candidate in accordance with ~~state~~ **Indiana** law) has filed any of the  
10 following:

- 11 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- 12 (2) A request for ballot placement in a presidential primary  
13 under IC 3-8-3.
- 14 (3) A petition of nomination or candidate's consent to  
15 nomination under ~~IC 3-8-2.5~~ or IC 3-8-6.
- 16 (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,  
17 IC 3-10-2-15, or IC 3-10-6-12.
- 18 (5) A certificate of candidate selection under IC 3-13-1 or  
19 IC 3-13-2.
- 20 (6) A declaration of intent to be a write-in candidate under  
21 IC 3-8-2-2.5.
- 22 (7) A contest to the denial of certification under ~~IC 3-8-2.5~~ or  
23 IC 3-8-6-12.

24 (c) The commission has jurisdiction to act under this section with  
25 regard to any filing described in subsection (b) that was made with the  
26 election division. Except for a filing under the jurisdiction of a town  
27 election board, a county election board has jurisdiction to act under this  
28 section with regard to any filing described in subsection (b) that was  
29 made with the county election board, county voter registration office,  
30 or the circuit court clerk. A town election board has jurisdiction to act  
31 under this section with regard to any filing that was made with the  
32 county election board, the county voter registration office, or the circuit  
33 court clerk for nomination or election to a town office.

34 (d) Except as provided in subsection (f), before the commission or  
35 election board acts under this section, a registered voter of the election  
36 district that a candidate seeks to represent or a county chairman of a  
37 major political party of a county in which any part of the election  
38 district is located must file a sworn statement before a person  
39 authorized to administer oaths, with the election division or election  
40 board:

- 41 (1) questioning the eligibility of the candidate to seek the office;
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- 1 (2) setting forth the facts known to the voter or county chairman
- 2 of a major political party of a county concerning this question.
- 3 (e) The eligibility of a write-in candidate or a candidate nominated
- 4 by a convention, petition, or primary may not be challenged under this
- 5 section if the commission or board determines that all of the following
- 6 occurred:
- 7 (1) The eligibility of the candidate was challenged under this
- 8 section before the candidate was nominated.
- 9 (2) The commission or board conducted a hearing on the
- 10 affidavit before the nomination.
- 11 (3) This challenge would be based on substantially the same
- 12 grounds as the previous challenge to the candidate.
- 13 (f) Before the commission or election board can consider a contest
- 14 to the denial of a certification under ~~IC 3-8-2.5~~ or IC 3-8-6-12, a
- 15 candidate (or a person acting on behalf of a candidate in accordance
- 16 with **state Indiana** law) must file a sworn statement with the election
- 17 division or election board:
- 18 (1) stating specifically the basis for the contest; and
- 19 (2) setting forth the facts known to the candidate supporting the
- 20 basis for the contest.
- 21 (g) Upon the filing of a sworn statement under subsection (d) or
- 22 (f), the commission or election board shall determine the validity of the
- 23 questioned:
- 24 (1) declaration of candidacy;
- 25 (2) declaration of intent to be a write-in candidate;
- 26 (3) request for ballot placement under IC 3-8-3;
- 27 (4) petition of nomination;
- 28 (5) certificate of nomination;
- 29 (6) certificate of candidate selection issued under IC 3-13-1-15
- 30 or IC 3-13-2-8; or
- 31 (7) denial of a certification under ~~IC 3-8-2.5~~ or IC 3-8-6-12.
- 32 (h) The commission or election board shall deny a filing if the
- 33 commission or election board determines that the candidate has not
- 34 complied with the applicable requirements for the candidate set forth
- 35 in the Constitution of the United States, the Constitution of the State of
- 36 Indiana, or this title.
- 37 [ SECTION 5. IC 3-8-1-34, AS AMENDED BY P.L.233-2015,
- 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JANUARY 1, 2024]: Sec. 34. (a) A candidate for a school board office
- 40 must have resided in the school corporation for at least one (1) year
- 41 before the election.
- 42 (b) This subsection applies to a candidate for school board office

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1 seeking to represent an election district that consists of less than the  
 2 entire school corporation. The candidate must have resided in the  
 3 election district for at least one (1) year before the election.

4 **(c) A candidate for a school board office may not be an**  
 5 **employee or agent of that school corporation.**

6 ] SECTION ~~5~~[6]. IC 3-8-2-2 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 2. ~~A person~~ **An**  
 8 **individual** who desires to be nominated at a primary election as a  
 9 candidate of a political party subject to this chapter for a federal, state,  
 10 legislative, ~~or~~ local, **or school board** office shall file a declaration of  
 11 candidacy.

12 SECTION ~~6~~[7]. IC 3-8-2.5 IS REPEALED [EFFECTIVE  
 13 JANUARY 1, 2024]. (Nomination for School Board Office).

14 SECTION ~~7~~[8]. IC 3-8-6-1, AS AMENDED BY P.L.194-2013,  
 15 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JANUARY 1, 2024]: Sec. 1. ~~(a)~~ This chapter applies to a candidate for  
 17 nomination to an elected office who:

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

21 ~~(b) This chapter does not apply to a candidate for a school board~~  
 22 ~~office.~~

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

- 30 (1) July 15 before a general or municipal election;  
 31 (2) August 1 before a municipal election in a town subject to  
 32 IC 3-8-5-10;  
 33 (3) on the date specified for town convention nominees under  
 34 IC 3-8-5-14.5;  
 35 (4) on the date specified for declared write-in candidates under  
 36 IC 3-8-2-2.7; **or**  
 37 ~~(5) on the date specified for a school board candidate under~~  
 38 ~~IC 3-8-2.5-4; or~~  
 39 ~~(6)~~ **(5)** forty-five (45) days before a special election.

40 (b) A candidate who is disqualified from being a candidate under  
 41 IC 3-8-1-5 must file a notice of withdrawal immediately upon  
 42 becoming disqualified. IC 3-8-8-7 and the filing requirements of



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1 subsection (a) do not apply to a notice of withdrawal filed under this  
2 subsection.

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

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

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

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

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



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

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

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

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

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

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

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

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

20 "OFFICIAL PRIMARY BALLOT

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

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

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

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

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

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

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

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



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

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

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1 specified in IC 3-11-14-3.5;  
2 if voting is by an electronic voting system.

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

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

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

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

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

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

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

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

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

- 31 (1) Federal and state offices:
  - 32 (A) President and Vice President of the United States.
  - 33 (B) United States Senator.
  - 34 (C) Governor and lieutenant governor.
  - 35 (D) Secretary of state.
  - 36 (E) Auditor of state.
  - 37 (F) Treasurer of state.
  - 38 (G) Attorney general.
  - 39 (H) United States Representative.
- 40 (2) Legislative offices:
  - 41 (A) State senator.
  - 42 (B) State representative.

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- 1 (3) Circuit offices and county judicial offices:
- 2 (A) Judge of the circuit court, and unless otherwise
- 3 specified under IC 33, with each division separate if there
- 4 is more than one (1) judge of the circuit court.
- 5 (B) Judge of the superior court, and unless otherwise
- 6 specified under IC 33, with each division separate if there
- 7 is more than one (1) judge of the superior court.
- 8 (C) Judge of the probate court.
- 9 (D) Prosecuting attorney.
- 10 (E) Clerk of the circuit court.
- 11 (4) County offices:
- 12 (A) County auditor.
- 13 (B) County recorder.
- 14 (C) County treasurer.
- 15 (D) County sheriff.
- 16 (E) County coroner.
- 17 (F) County surveyor.
- 18 (G) County assessor.
- 19 (H) County commissioner.
- 20 (I) County council member.
- 21 (5) Township offices:
- 22 (A) Township assessor (only in a township referred to in
- 23 IC 36-6-5-1(d)).
- 24 (B) Township trustee.
- 25 (C) Township board member.
- 26 (D) Judge of the small claims court.
- 27 (E) Constable of the small claims court.
- 28 (6) City offices:
- 29 (A) Mayor.
- 30 (B) Clerk or clerk-treasurer.
- 31 (C) Judge of the city court.
- 32 (D) City-county council member or common council
- 33 member.
- 34 (7) Town offices:
- 35 (A) Clerk-treasurer.
- 36 (B) Judge of the town court.
- 37 (C) Town council member.
- 38 **(8) School board offices.**
- 39 SECTION 1 ~~6~~ 6. IC 3-11-2-12.4, AS AMENDED BY
- 40 P.L.109-2021, SECTION 16, IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 12.4. (a) This
- 42 section applies whenever more than one (1) candidate may be elected

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1 to an office.

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

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

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

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

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

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

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

9 candidates seeking to represent a district.

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

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

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

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

14 a vote for any candidate for this office."

15 SECTION 1 ~~<6>~~ [7]. IC 3-11-2-12.9 IS REPEALED [EFFECTIVE

16 JANUARY 1, 2024]. See: 12.9: (a) School board offices to be elected

17 at the general election shall be placed on the general election ballot

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

19 candidate for the office designated as "nonpartisan".

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

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

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

23 square to the left of the candidate's name."

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

25 that includes both an at-large member and a member representing a

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

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

28 SECTION 1 ~~<7>~~ [8]. IC 3-11-2-13, AS AMENDED BY

29 P.L.190-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS

30 [EFFECTIVE JANUARY 1, 2024]: Sec. 13. (a) The following offices

31 shall be placed on the general election ballot in the following order

32 after the offices described in section ~~12.9~~ 12.4 of this chapter:

33 (1) Retention of a justice of the supreme court.

34 (2) Retention of a judge of the court of appeals.

35 (3) Retention of the judge of the tax court.

36 (b) Whenever more than one (1) justice of the supreme court is

37 subject to retention, the name of each justice must appear on the ballot

38 in alphabetical order. However, if the justice serving as chief justice is

39 subject to retention, the chief justice's name must appear first.

40 (c) Whenever more than one (1) judge of the court of appeals is

41 subject to retention, the name of each judge must appear on the ballot

42 in alphabetical order. However, if the judge serving as chief judge is

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1 subject to retention, the chief judge's name must appear first.  
2 (d) These offices shall be placed in a separate column on the  
3 ballot.

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

9 (1) except at a primary election, a straight party ticket for all of  
10 the candidates of one (1) political party by a single voting mark  
11 on each ballot card;

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 candidate.

20 (b) A ballot card 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 ballot card 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) A ballot card voting system must permit a voter to vote:

33 (1) for all candidates for presidential electors and alternate  
34 presidential electors of a political party or an independent ticket  
35 by making a single voting mark; and

36 (2) for or against a public question on which the voter may vote.

37 SECTION <+9>[20]. IC 3-11-7.5-10, AS AMENDED BY  
38 P.L.278-2019, SECTION 66, IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 10. (a) Except as  
40 provided in subsection (b), an electronic voting system must permit a  
41 voter to vote:

42 (1) except at a primary election, a straight party ticket for all the

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- 1 candidates of one (1) political party by touching the device of
- 2 that party;
- 3 (2) for one (1) or more candidates of each political party or
- 4 independent candidates, or for one (1) or more ~~school board~~
- 5 candidates nominated by petition;
- 6 (3) a split ticket for the candidates of different political parties
- 7 and for independent candidates; or
- 8 (4) a straight party ticket and then split that ticket by casting
- 9 individual votes for candidates of another political party or
- 10 independent candidates.

11 (b) An electronic voting system must require that a voter who  
 12 wishes to cast a ballot for a candidate for election to an at-large district  
 13 to which more than one person may be elected, on a:

- 14 (1) county council;
- 15 (2) city common council;
- 16 (3) town council; ~~or~~
- 17 (4) township board; ~~or~~
- 18 **(5) school board;**

19 make a voting mark for each individual candidate for whom the voter  
 20 wishes to cast a vote. The electronic voting system may not count any  
 21 straight party ticket voting mark as a vote for any candidate for an  
 22 office described by this subsection.

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

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

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

- 41 (1) print all offices and questions on a single ballot card; and
- 42 (2) include a ballot variation code to ensure that the proper

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1 version of a ballot is used within a precinct.  
2 (c) Each type of ballot card must be of uniform size and of the  
3 same quality and color of paper (except as permitted under  
4 IC 3-10-1-17).

5 (d) The nominees of a political party or an independent candidate  
6 or independent ticket (described in IC 3-11-2-6) nominated by  
7 petitioners shall be listed on the ballot with the name and device set  
8 forth on the certification or petition. The circle containing the device  
9 may be of any size that permits a voter to readily identify the device.  
10 IC 3-11-2-5 applies if the certification or petition does not include a  
11 name or device, or if the same device is selected by two (2) or more  
12 parties or petitioners.

13 (e) The offices and public questions on the general election ballot  
14 must be placed on the ballot in the order listed in IC 3-11-2-12,  
15 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);~~  
16 ~~IC 3-11-2-12.9(e);~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),  
17 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). The offices and  
18 public questions may be listed in a continuous column either vertically  
19 or horizontally and on a number of separate pages.

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

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

26 (2) "Vote for not more than (insert the number of candidates to  
27 be elected) candidate(s) for this office. To vote for any candidate  
28 for this office, you must make a voting mark for each candidate  
29 you wish to vote for. A straight party vote will not count as a  
30 vote for any candidate for this office.", if more than one (1)  
31 candidate is to be elected to the office.

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

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

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

41 (3) All other political parties listed in the order that the parties'  
42 candidates for secretary of state finished in the last election are

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

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1 immediately below the name of the office and above the name of the  
 2 first candidate: "Vote for not more than (insert the number of  
 3 candidates to be elected) candidate(s) for this office."

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

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

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

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

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

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

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

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

35 ~~(n)~~ (m) The requirements in this section:

36 (1) do not replace; and

37 (2) are in addition to;

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

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



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1 (p) (o) This subsection applies to an optical scan ballot that does  
2 not list:

- 3 (1) the names of political parties or candidates; or
  - 4 (2) the text of public questions;
- 5 on the face of the ballot. The ballot must be prepared in accordance  
6 with this section, except that the ballot must include a numbered circle  
7 or oval to refer to each political party, candidate, or public question.

8 SECTION 2<del>4</del>[2]. IC 3-11-14-3.5, AS AMENDED BY  
9 P.L.193-2021, SECTION 55, IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3.5. (a) Each  
11 county election board shall have the names of all candidates for all  
12 elected offices, political party offices, and public questions printed on  
13 ballot labels for use in an electronic voting system as provided in this  
14 chapter.

- 15 (b) The county may:
  - 16 (1) print all offices and public questions on a single ballot label;
  - 17 and
  - 18 (2) include a ballot variation code to ensure that the proper
  - 19 version of a ballot label is used within a precinct.

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

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

31 (e) The ballot labels must list the offices and public questions on  
32 the general election ballot in the order listed in IC 3-11-2-12,  
33 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);~~  
34 ~~IC 3-11-2-12.9(c);~~ IC 3-11-2-13(a) through IC 3-11-2-13(c),  
35 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). Each office and  
36 public question may have a separate screen, or the offices and public  
37 questions may be listed in a continuous column either vertically or  
38 horizontally.

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

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

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- 1 (1) candidate; or  
 2 (2) ticket of candidates for:  
 3 (A) President and Vice President of the United States; or  
 4 (B) governor and lieutenant governor;  
 5 is independent, must be placed immediately below or beside the name  
 6 of the candidate and must be printed in uniform size and type.  
 7 (i) All the candidates of the same political party for election to  
 8 at-large seats on the fiscal or legislative body of a political subdivision  
 9 must be grouped together:  
 10 (1) under the name of the office that the candidates are seeking;  
 11 (2) in the party order established by subsection (g); and  
 12 (3) within the political party, in alphabetical order according to  
 13 surname.  
 14 A statement reading substantially as follows must be placed  
 15 immediately below the name of the office and above the name of the  
 16 first candidate: "Vote for not more than (insert the number of  
 17 candidates to be elected) candidate(s) of ANY party for this office."  
 18 ~~(j) Candidates for election to at-large seats on the governing body~~  
 19 ~~of a school corporation must be grouped:~~  
 20 ~~(1) under the name of the office that the candidates are seeking;~~  
 21 ~~and~~  
 22 ~~(2) in alphabetical order according to surname.~~  
 23 A statement reading substantially as follows must be placed  
 24 immediately below the name of the office and above the name of the  
 25 first candidate: "Vote for not more than (insert the number of  
 26 candidates to be elected) candidate(s) for this office."  
 27 ~~(k) (j)~~ The cautionary statement described in IC 3-11-2-7 must be  
 28 placed at the top or beginning of the ballot label before the first public  
 29 question is listed.  
 30 ~~(h) (k)~~ The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),  
 31 and IC 3-11-2-10(e) may be:  
 32 (1) placed on the ballot label; or  
 33 (2) posted in a location within the voting booth that permits the  
 34 voter to easily read the instructions.  
 35 ~~(m) (l)~~ Except as provided in section 14.5 of this chapter, the  
 36 ballot label must include a touch sensitive point or button for voting a  
 37 straight political party or independent ticket (described in IC 3-11-2-6)  
 38 by one (1) touch, and the touch sensitive point or button must be  
 39 identified by:  
 40 (1) the name of the political party or independent ticket; and  
 41 (2) immediately below or beside the political party's or  
 42 independent ticket's name, the device of that party or ticket

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

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

18 ~~(o)~~ **(n)** The requirements in this section:  
 19 (1) do not replace; and  
 20 (2) are in addition to;  
 21 any other requirements in this title that apply to ballots for electronic  
 22 voting systems.

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

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

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

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

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

41 (b) This subsection applies whenever:  
 42 (1) a voter has voted a straight party ticket for the candidates of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 37 (1) a state office; ~~or~~  
38 (2) a local office; ~~or~~  
39 (3) ~~a school board office;~~  
40 occurs, the incumbent public official remains in office in accordance  
41 with Article 15, Section 3 of the Constitution of the State of Indiana  
42 until a successor is elected under this chapter and qualified.

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1 SECTION 2 ~~8~~ [8]. IC 3-13-10.5 IS ADDED TO THE INDIANA  
2 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
3 [EFFECTIVE JANUARY 1, 2024]:

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

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

- 8 (1) The governing body of a school corporation.
- 9 (2) The school advisory body of a school corporation.

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

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

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

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

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

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

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

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

41 SECTION 2 ~~8~~ [9]. IC 20-23-4-29.1, AS ADDED BY  
42 P.L.179-2011, SECTION 11, IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 29.1. (a) This  
2 section applies to each school corporation.

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

11 (1) The plan determines whether members are elected:

12 (A) by all the voters of the school corporation;

13 (B) by all the voters of the school corporation from  
14 residence districts; or

15 (C) solely by the voters of each election district  
16 established under the plan.

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

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

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

35 (e) If the plan provides that members of the governing body are to  
36 be elected from residence districts by all voters in the community  
37 school corporation, nominees for the governing body shall be placed on  
38 the ballot in the form prescribed by IC 3-11-2, by residence districts  
39 without party designation. The ballot must state the number of  
40 members to be voted on and the maximum number of members that  
41 may be elected from each residence district as provided in the plan. A  
42 ballot is not valid if more than the maximum number of members are



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1 voted on from a board member residence district. The candidates who  
 2 receive the most votes are elected. However, if more than the  
 3 maximum number that may be elected from a residence district are  
 4 among those receiving the most votes, the candidates from the  
 5 residence districts exceeding the maximum number who receive the  
 6 fewest votes shall be eliminated in determining the candidates who are  
 7 elected.

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

15 SECTION ~~29~~ [30]. IC 20-23-4-30, AS AMENDED BY  
 16 P.L.193-2021, SECTION 102, IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 30. (a) This  
 18 section applies to each school corporation.

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

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

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

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

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

40 the judge of the circuit court in the county where the majority of  
 41 registered voters of the school corporation reside shall make the  
 42 appointment. ~~the vacancy shall be filled as provided in~~



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1 **IC 3-13-10.5-3.**

2 ~~(d)~~ **(e)** A vacancy in the governing body occurs if a member ceases  
3 to be a resident of ~~any~~ **the** community school corporation. A vacancy  
4 does not occur when the member moves from a district of the school  
5 corporation from which the member was elected or appointed if the  
6 member continues to be a resident of the school corporation.

7 ~~(e)~~ **(f)** At the first general election in which members of the  
8 governing body are elected:

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

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

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

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

25 SECTION 3 ~~↔~~ [\[1\]](#). IC 20-23-4-35, AS AMENDED BY  
26 P.L.169-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JANUARY 1, 2024]; Sec. 35. (a) The governing body of  
28 a school corporation may be organized under this section.

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

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

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

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

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

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

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

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

SECTION 3-5-2. IC 20-23-4-44, AS AMENDED BY P.L.104-2022, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 44. (a) This section applies only to a school corporation with territory in a county having a population of more than one hundred eighty-five thousand (185,000) and less than two hundred thousand (200,000).

(b) This section applies If there is a

(1) tie vote in an election for a member of the governing body of a school corporation, or

(2) vacancy on the governing body of a school corporation.

**the tie vote shall be resolved as provided in IC 3-13-10.5-2.**

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

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

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

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

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

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

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

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1 subsection:  
 2 (f) If the fiscal body of a township is required to act under this  
 3 section and a vote in the fiscal body results in a tie, the deciding vote  
 4 to break the tie vote shall be cast by the executive.  
 5 SECTION 3 ~~↔~~ [3]. IC 20-23-7-8.1, AS AMENDED BY  
 6 P.L.219-2013, SECTION 79, IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 8.1. (a) The  
 8 registered voters of the metropolitan school district shall elect the  
 9 members of the metropolitan board of education at general elections  
 10 held biennially, beginning with the next general election that is held  
 11 more than sixty (60) days after the creation of the metropolitan school  
 12 district as provided in this chapter.  
 13 (b) Each nominee for the board must file a petition of nomination  
 14 signed by the nominee and by ten (10) registered voters residing in the  
 15 same board member district as the nominee. The petition must be filed  
 16 in accordance with IC 3-8-2.5 with the circuit court clerk of each  
 17 county in which the metropolitan school district is located.  
 18 (c) Nominees for the board shall be listed on the general election  
 19 ballot:  
 20 (1) in the form prescribed by IC 3-11-2;  
 21 (2) by board member districts; and  
 22 (3) without party designation.  
 23 The ballot must state the number of board members to be voted on and  
 24 the maximum number of members that may be elected from each board  
 25 member district as provided under section 5 of this chapter. A ballot  
 26 that contains more votes than the maximum number allowed from a  
 27 board member district is invalid.  
 28 (d) The precinct election boards in each county serving at the  
 29 general election shall conduct the election for school board members.  
 30 (e) Voting and tabulation of votes shall be conducted in  
 31 accordance with IC 3; and the candidates who receive the most votes  
 32 are elected to the board.  
 33 (f) If there are more candidates from a particular board member  
 34 district than may be elected from the board member district under  
 35 section 5 of this chapter:  
 36 (1) the number of candidates elected is the greatest number that  
 37 may be elected from the board member district;  
 38 (2) the candidates elected are those who, among the candidates  
 39 from the board member district, receive the most votes; and  
 40 (3) the other candidates from the board member district are  
 41 eliminated.  
 42 (b) IC 3 governs the nomination and election of candidates. A

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1 **candidate must be nominated as provided in IC 3-8-2 or IC 3-8-6,**  
 2 **whichever is applicable to the particular candidate.**

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

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

- 14 (1) appointing a person from the board member district from  
 15 which the person who vacated the board was elected; or  
 16 (2) if the person was appointed, appointing a person from the  
 17 board member district from which the last elected predecessor  
 18 of the person was elected.

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

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

- 25 (1) more than sixty (60) days after an elected board member  
 26 vacates membership on the board; or  
 27 (2) immediately before the end of the term for which the  
 28 vacating member was elected;

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

40 (j) (e) At the first general election where members of the board are  
 41 elected under this section, the elected candidates who constitute a  
 42 simple majority of the elected candidates and who receive the most



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1 votes shall be elected for four (4) year terms, and the other elected  
2 candidates shall be elected for two (2) year terms.

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

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

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

21 (c) The first board of trustees shall select the name of the merged  
22 school corporation by a majority vote. The name may be changed by  
23 unanimous vote of the governing body of the merged school  
24 corporation.

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

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

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

36 The advisory board is created to provide nonbinding recommendations  
37 to the emergency manager.

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

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

42 (2) upon election and in conducting the business of the advisory



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

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

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

- 28 (A) ~~The name of the prospective candidate.~~
- 29 (B) ~~The district in which the prospective candidate resides.~~
- 30 (C) ~~The signatures of at least one hundred (100) registered~~  
 31 ~~voters residing in the school corporation.~~
- 32 (D) ~~The fact that the prospective candidate is running for a~~  
 33 ~~district position.~~
- 34 (E) ~~A certification that the prospective candidate meets the~~  
 35 ~~qualifications for candidacy imposed by this chapter. **shall**~~  
 36 ~~**be nominated as provided in IC 3-8-2 or IC 3-8-6,**~~  
 37 ~~**whichever is applicable to the particular candidate.**~~

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

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

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**under this subsection.**

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

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

- (A) The name of the prospective candidate.
- (B) The signatures of at least one hundred (100) registered voters residing within the school corporation.
- (C) The fact that the prospective candidate is running for the at-large position on the advisory board.
- (D) A certification that the prospective candidate meets the qualifications for candidacy imposed by this chapter. **shall be nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is applicable to the candidate.**

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

(3) The candidate who:

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

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

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

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

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

- (1) The petition must be signed by at least two hundred (200) legal voters of the school corporation.
- (2) Each petition may nominate only one (1) candidate.

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1 (3) The number of petitions signed by a legal voter may not  
2 exceed the number of school trustees to be elected: **shall be**  
3 **nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is**  
4 **applicable to the particular candidate.**

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

10 (e) The county election board shall prepare the ballot for the  
11 general election at which members of the governing body are to be  
12 elected so that the names of the candidates nominated appear on the  
13 ballot:

- 14 (1) in alphabetical order;
- 15 (2) without party designation; and
- 16 (3) in the form prescribed by IC 3-11-2.

17 (f) The county election board shall not publish or place on the  
18 ballot the name of a candidate who is not eligible under this chapter for  
19 membership on the governing body:

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

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

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

- 30 (1) is elected from the school district in which the member  
31 resides; and
- 32 (2) upon election and in conducting the business of the  
33 governing body, represents the interests of the entire school  
34 corporation.

35 (c) Two (2) of the members:  
36 (1) are elected by eligible voters residing in the school  
37 corporation;  
38 (2) are at-large members of the governing body; and  
39 (3) upon election and in conducting the business of the  
40 governing body, represent the interests of the entire school  
41 corporation.

42 SECTION 3 ~~8~~ [9]. IC 20-23-14-5, AS AMENDED BY

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1 P.L.6-2012, SECTION 127, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. To be eligible to be a  
 3 candidate for the governing body under this chapter, the following  
 4 apply:

5 (1) Each prospective candidate must file a petition of nomination  
 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 general election at which the members are  
 9 to be elected. The petition of nomination must include the  
 10 following:

11 (A) The name of the prospective candidate.

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

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

16 (D) The signatures of at least one hundred (100) registered  
 17 voters residing in the school corporation: **for election 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) Each prospective candidate for a district position must:

21 (A) reside in the district; and

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

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

25 (A) reside in the school corporation; and

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

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

30 (A) be a registered voter;

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

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

34 (i) high school equivalency certificate; or

35 (ii) state general educational development (GED)  
 36 diploma under IC 20-20-6 (before its repeal) or  
 37 IC 22-4.1-18.

38 (5) A prospective candidate may not:

39 (A) hold any other elective or appointive office; or

40 (B) have a pecuniary interest in any contract with the school  
 41 corporation or its governing body;

42 as prohibited by law.



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

- 5 ~~(1) on a nonpartisan basis; and~~
- 6 ~~(2) in the general election held in the county.~~

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

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

11 **(d) Each candidate for election shall be nominated as provided**  
12 **in IC 3-8-2 or IC 3-8-6, whichever is applicable to the particular**  
13 **candidate.**

14 SECTION 4~~0~~[1]. IC 20-23-17-3, AS AMENDED BY  
15 P.L.219-2013, SECTION 86, IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 3. (a) The  
17 governing body of the school corporation consists of five (5) members  
18 chosen as follows:

- 19 (1) Three (3) members shall be elected by the voters of the
- 20 school corporation at a general election to be held in the county
- 21 and every four (4) years thereafter.
- 22 (2) One (1) member shall be appointed by the city executive.
- 23 (3) One (1) member shall be appointed by the city legislative
- 24 body.

25 (b) The members elected under subsection (a)(1) shall be elected  
26 as follows:

- 27 ~~(1) On a nonpartisan basis.~~
- 28 ~~(2) (1) In a general election held in the county.~~
- 29 ~~(3) (2) By the registered voters of the entire school corporation.~~

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

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

- 37 (A) The name of the candidate.
- 38 (B) A certification that the candidate meets the
- 39 qualifications for candidacy imposed by this chapter: **for**
- 40 **election shall be nominated as provided in IC 3-8-2 or**
- 41 **IC 3-8-6, whichever is applicable to the particular**
- 42 **candidate.**

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

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

8 (b) Three (3) members shall be elected as follows:  
9 (1) From districts established as provided in section 4.1 of this  
10 chapter.

11 ~~(2) On a nonpartisan basis.~~  
12 ~~(3)~~ (2) At the general election held in the county in 2022 and  
13 every four (4) years thereafter.

14 (c) Two (2) members shall be elected as follows:  
15 (1) At large by all the voters of the school corporation.  
16 ~~(2) On a nonpartisan basis.~~  
17 ~~(3)~~ (2) At the general election held in the county in 2024 and  
18 every four (4) years thereafter.

19 (d) The term of office of a member of the governing body:  
20 (1) is four (4) years; and  
21 (2) begins January 1 after the election of members of the  
22 governing body.

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

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

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

36 (A) The name of the candidate.

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

39 (C) The signatures of at least twenty (20) registered voters  
40 residing within the school corporation district the candidate  
41 seeks to represent.

42 (D) A certification that the candidate meets the



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qualifications for candidacy imposed by this chapter.  
(E) ~~The school corporation district that the candidate seeks to represent.~~ **for election shall be nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is applicable to the particular candidate.**

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

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

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

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

- (A) The name of the candidate.
- (B) The candidate's residence address.
- (C) The signatures of at least one hundred (100) registered voters residing within the school corporation.
- (D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.
- (E) ~~The fact that the candidate seeks to be elected from the school corporation at large.~~ **for election shall be nominated as provided in IC 3-8-2 or IC 3-8-6, whichever is applicable to the particular candidate.**

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

(3) Two (2) candidates shall be elected at large. The two (2) candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.

SECTION 4-~~3~~<sup>4</sup>[4], IC 20-25-3-4, AS AMENDED BY

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1 P.L.169-2022, SECTION 9, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JANUARY 1, 2024]: Sec. 4. (a) The board consists of  
 3 seven (7) members. A member:

4 (1) must be elected ~~on a nonpartisan~~ basis in general elections  
 5 held in the county as specified in this section; and

6 (2) serves a four (4) year term.

7 (b) Five (5) members shall be elected from the school board  
 8 districts in which the members reside, and two (2) members must be  
 9 elected at large.

10 (c) If a candidate runs for one (1) of the district positions on the  
 11 board, only eligible voters residing in the candidate's district may vote  
 12 for that candidate. If a person is a candidate for one (1) of the at-large  
 13 positions, eligible voters from all the districts may vote for that  
 14 candidate.

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

20 (e) ~~A candidate who runs for a district or an at-large position wins~~  
 21 ~~if the candidate receives the greatest number of votes of all the~~  
 22 ~~candidates for the position. IC 3 governs the nomination and election~~  
 23 ~~of the members of the board under this section.~~

24 (f) Districts shall be established within the school city by the board  
 25 of school commissioners. The districts must be drawn on the basis of  
 26 precinct lines, and as nearly as practicable, of equal population with the  
 27 population of the largest district not to exceed the population of the  
 28 smallest district by more than five percent (5%). District lines must not  
 29 cross precinct lines. The board of school commissioners, **with**  
 30 **assistance from the county election board**, shall establish:

31 (1) balloting procedures for the election under IC 3; and

32 (2) other procedures required to implement this section.

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

34 (h) In accordance with subsection (k), a vacancy in the board shall  
 35 be filled temporarily by the board as soon as practicable after the  
 36 vacancy occurs. The member chosen by the board to fill a vacancy  
 37 holds office until the member's successor is elected and qualified. The  
 38 successor shall be elected at the next regular school board election  
 39 occurring after the date on which the vacancy occurs. The successor  
 40 fills the vacancy for the remainder of the term.

41 (i) An individual elected to serve on the board begins the  
 42 individual's term on the date set in the school corporation's organization



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1 plan. The date set in the organization plan for an elected member of the  
 2 board to take office may not be more than fourteen (14) months after  
 3 the date of the member's election. If the school corporation's  
 4 organization plan does not set a date for a member of the board to take  
 5 office, the member takes office January 1 immediately following the  
 6 individual's election.

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

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

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

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

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

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

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

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

39 **(2) If subdivision (1) does not apply**, the remaining members  
 40 of the governing body shall by majority vote fill the vacancy by  
 41 appointing a ~~person~~ **an individual** from within the boundaries of  
 42 the school corporation. ~~with the residence and other~~



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1 qualifications provided for a regularly elected or appointed board  
2 member filling the membership; to serve for the term or the  
3 balance of the term. However, this subsection does not apply to  
4 a vacancy:

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

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

11 **(d) An individual appointed as provided in this section:**  
12 **(1) must possess the qualifications provided for a regularly**  
13 **elected or appointed governing body member filling the**  
14 **office; and**

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

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

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

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

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

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

35 (A) the operation of the circuit's probation department;

36 (B) the defense of indigents; and

37 (C) maintaining an adequate law library.

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

40 IC 8-4-21-2

41 IC 11-12-2-2

42 IC 16-22-2-4

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- 1 IC 16-22-2-11
- 2 IC 16-22-7
- 3 IC 20-23-4
- 4 IC 20-23-7-6
- 5 ~~IC 20-23-7-8.1~~
- 6 IC 20-26-7-8
- 7 IC 20-26-7-14
- 8 IC 20-47-2-15
- 9 IC 20-47-3-13
- 10 IC 36-9
- 11 IC 36-10
- 12 IC 36-12-10-10.

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

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