Updated January 26, 2023 (3:10pm)

SENATE BILL No. 188

AM018801 has been incorporated into introduced printing.

Synopsis: School corporation governing bodies.

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

Introduced

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

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

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

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

Merged

SENATE BILL No. 188

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

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

SECTION 1. IC 3-8-9-5, AS AMENDED BY P.L.278-2019, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. An individual required to file a statement under section 4 of this chapter shall file the statement as follows:

(1) With the individual's:

(A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;

(B) petition of nomination under IC 3-8-2.5 or IC 3-8-6 for an office described in IC 3-8-2-5 in a county with a separate board of registration under IC 3-7-12 after certification by the board of registration;

(C) petition of nomination under IC 3-8-2.5 or IC 3-8-6 for an office described in IC 3-8-2-5 in a county that does not have a separate board of registration under IC 3-7-12;

(D) petition of nomination under IC 3-8-6 for an office described in IC 3-8-2-5 after certification by the county voter registration office;

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

(E) certificate of nomination under IC 3-10-2-15 or IC 3-10-6-12;

(F) statement consenting to be a replacement candidate under IC 3-8-6-17;

(G) declaration of intent to be a write-in candidate under IC 3-8-2-2.5; or

(H) certificate of candidate selection under IC 3-13-1 or IC 3-13-2.

(2) When the individual assumes a vacant elected office under IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, IC 3-13-11, or ~~IC 20-23-4-30.~~ **IC 20-26-4-4.7.** A statement filed under this subdivision must be filed not later than noon sixty (60) days after the individual assumes the elected office.

SECTION 2. IC 20-23-4-30, AS AMENDED BY P.L.193-2021, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 30. (a) This section applies to each school corporation.

(b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

~~(c) If after the first governing body takes office, fewer candidates have been elected to the school board than there were members to be elected, the governing body shall determine not later than noon December 31 following the election which incumbent member or members continue to hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified. However, if there is a vacancy on the governing body, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:~~

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

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

~~the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.~~

~~(d) A vacancy in the governing body occurs if a member ceases to~~

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

~~be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.~~

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

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

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

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

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

(e) A vacancy in the governing body of a school corporation occurs, and shall be filled, as provided in IC 20-26-4-4.7.

SECTION 3. IC 20-23-4-35, AS AMENDED BY P.L.169-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 35. (a) The governing body of a school corporation may be organized under this section.

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

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

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

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

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

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

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

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

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

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

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

~~(d) A vacancy on the governing body shall be filled by the governing body as soon as practicable after the vacancy occurs. A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term.~~

(c) A vacancy in the governing body of a school corporation occurs, and shall be filled, as provided in IC 20-26-4-4.7.

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

~~(f)~~ **(e)** The election districts described in subsection (b)(1):

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

(2) may not cross precinct lines; and

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

~~(g)~~ **(f)** The residential districts described in subsection (b)(2) may:

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

(2) be drawn along township lines.

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

(1) the state board; and

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

~~(i)~~ **(h)** The governing body shall designate:

(1) three (3) of the districts established under this section to be elected at the first school board election that occurs after the effective date of the plan; and

(2) the remaining four (4) districts to be elected at the second

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

school board election that occurs after the effective date of the plan.

~~(j)~~ **(i)** 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)~~ **(j)** IC 3-5-10 applies to a plan established under this section.

SECTION 4. IC 20-23-4-35.5, AS ADDED BY P.L.271-2013, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 35.5. (a) Not later than December 31, 2013, the governing body shall do the following:

(1) Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.

(2) If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section ~~35(f)~~ **35(e)** and ~~35(g)~~ **35(f)** of this chapter.

(b) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the plan under section ~~35(c)~~ **35(d)** of this chapter if an amendment is necessary to reestablish the districts in compliance with section ~~35(f)~~ **35(e)** and ~~35(g)~~ **35(f)** of this chapter. If the governing body determines that a plan amendment under section ~~35(c)~~ **35(d)** of this chapter is not required, the governing body shall recertify that the districts as established comply with section ~~35(f)~~ **35(e)** and ~~35(g)~~ **35(f)** of this chapter.

(c) Each time the school corporation's plan is amended, the governing body shall file the following with the circuit court clerk of each county in which the school corporation is located:

(1) A copy of the amendment.

(2) Either of the following:

(A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section ~~35(f)~~ **35(e)** and ~~35(g)~~ **35(f)** of this chapter.

(B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

section ~~35(f)~~ **35(e)** and ~~35(g)~~ **35(f)** of this chapter, a map of the new district boundaries.

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or recertification occurs.

SECTION 5. IC 20-23-4-44, AS AMENDED BY P.L.104-2022, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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.~~

(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.~~

~~(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)~~ **(d)** 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 subsection.

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

(f) A vacancy in the governing body of a school corporation

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

occurs, and shall be filled, as provided in IC 20-26-4-4.7.

SECTION 6. IC 20-23-6-8, AS AMENDED BY P.L.140-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) Consolidated schools are under the control and management of the consolidated governing body created under this chapter, and a new consolidated school corporation comes into existence:

(1) at the time specified in the resolutions provided in section 3, 4, 5.5, or 12.5 of this chapter; or

(2) if a time is not specified, at the following times:

(A) If a protest has not been filed and the creation is accomplished by the adoption of a joint resolution following publication of notice as provided in section 3 or 5.5 of this chapter, thirty (30) days after the adoption of the joint resolution.

(B) If the creation is accomplished after an election as provided in section 6 of this chapter, thirty (30) days after the election.

(b) The members of the governing body shall:

(1) take an oath to faithfully discharge the duties of office; and

(2) meet at least five (5) days before the time the new consolidated school corporation comes into existence to organize.

(c) The governing body shall meet to reorganize at the time provided in IC 20-26-4-1(b). At the organization or reorganization meeting, the members of the governing body shall elect the following:

(1) A president.

(2) A secretary.

(3) A treasurer.

(d) The treasurer, before starting the duties of the treasurer's office, shall execute a bond to the acceptance of the county auditor. The fee for the bond shall be paid from the operations fund of the consolidated school corporation. ~~Any vacancy occurring in the membership in any governing body shall be filled in the manner provided in IC 20-26-4-4.~~ **A vacancy in the governing body of a school corporation occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

(e) The members of the governing body shall receive compensation in the manner provided in IC 20-26-4-7.

(f) The governing body of a consolidated school corporation may elect and appoint personnel it considers necessary.

SECTION 7. IC 20-23-7-8.1, AS AMENDED BY P.L.219-2013, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

JULY 1, 2023]: Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.

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

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

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

(2) by board member districts; and

(3) without party designation.

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

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

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

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

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

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

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

(g) If there is a tie vote among the candidates for the board, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

~~(h) If, at any time after the first board member election, a vacancy on the board occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of~~

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

~~the board, whether or not a majority of the board, shall by a majority vote fill the vacancy by:~~

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

~~(2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.~~

~~If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.~~

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

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

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

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

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

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

(j) A vacancy in the governing body of a school corporation

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

occurs, and shall be filled, as provided in IC 20-26-4-4.7.

SECTION 8. IC 20-23-10-8, AS AMENDED BY P.L.233-2015, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) The board members of a merged school corporation shall be elected at the first general election following the merged school corporation's creation. ~~and vacancies shall be filled in accordance with IC 20-23-4-30.~~

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

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

(d) A vacancy in the governing body of a merged school corporation occurs, and shall be filled, as provided in IC 20-26-4-4.7.

SECTION 9. IC 20-23-12-3, AS AMENDED BY P.L.213-2018(ss), SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The emergency manager appointed by the distressed unit appeal board under IC 6-1.1-20.3 shall act as the governing body of the school corporation and has the powers set forth in IC 6-1.1-20.3-8.5, including the powers and duties of the governing body of the school corporation. The school corporation shall also have an advisory board that consists of seven (7) members elected as follows:

(1) On a nonpartisan basis.

(2) **Under IC 3** in a general election in the county. The advisory board is created to provide nonbinding recommendations to the emergency manager.

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

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

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

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

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

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

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

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

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

SECTION 10. IC 20-23-12-10 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 10. (a) A vacancy on the advisory board is created when:~~

~~(1) a member:~~

~~(A) dies;~~

~~(B) resigns from the advisory board;~~

~~(C) ceases to be a resident of the school corporation;~~

~~(D) fails to attend, except for reason of chronic illness, six (6) regularly scheduled meetings of the advisory board in any twelve (12) month period; or~~

~~(E) ceases to be a resident of the school district in which the member was elected; or~~

~~(2) a vacancy is created under any other law.~~

~~(b) The advisory board shall temporarily fill a vacancy on the advisory board as soon as practicable after the vacancy occurs.~~

SECTION 11. IC 20-23-12-10.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 10.1. A vacancy on the advisory board occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

SECTION 12. IC 20-23-14-3, AS AMENDED BY P.L.271-2013, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The governing body of the school corporation consists of five (5) members elected on a nonpartisan basis **as provided in IC 3.**

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

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

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

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

(c) Two (2) of the members:

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

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

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

SECTION 13. IC 20-23-14-10 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 10. The governing body shall temporarily fill a vacancy on the governing body as soon as practicable after the vacancy occurs. The member chosen must reside in the same district as the vacating member. A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term.~~

SECTION 14. IC 20-23-14-10.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 10.1. A vacancy in the governing body occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

SECTION 15. IC 20-23-15-6, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) The governing body of the school corporation consists of seven (7) members who shall be elected:

(1) on a nonpartisan basis; and

(2) **under IC 3** in the general election held in the county.

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

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

SECTION 16. IC 20-23-15-12 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 12. (a) A vacancy on the governing body must be filled temporarily by the governing body as soon as practicable after the vacancy occurs.~~

~~(b) A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term and shall be chosen from the same district as the vacating member if the vacating member held a district position.~~

SECTION 17. IC 20-23-15-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 12.1. A vacancy in the governing body occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

SECTION 18. IC 20-23-17-3, AS AMENDED BY P.L.219-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The governing body of the school

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

corporation consists of five (5) members chosen as follows:

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

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

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

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

(1) On a nonpartisan basis.

(2) **Under IC 3** in a general election held in the county.

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

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

(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 election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

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

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

SECTION 19. IC 20-23-17-6 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 6. (a) A vacancy in the office of an elected member of the governing body shall be filled temporarily by the city legislative body as soon as practicable after the vacancy occurs.~~

~~(b) A vacancy in the office of an appointed member of the governing body of the school corporation shall be filled by the appointing authority that appointed the member whose office is vacant.~~

~~(c) An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.~~

SECTION 20. IC 20-23-17-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 6.1. A vacancy in the governing body occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

SECTION 21. IC 20-23-17.2-3.1, AS AMENDED BY P.L.193-2021, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.1. (a) The governing body of the school corporation consists of five (5) members, elected as

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

provided in this chapter.

(b) Three (3) members shall be elected as follows:

(1) From districts established as provided in section 4.1 of this chapter.

(2) On a nonpartisan basis.

(3) **Under IC 3** at the general election held in the county in 2022 and every four (4) years thereafter.

(c) Two (2) members shall be elected as follows:

(1) At large by all the voters of the school corporation.

(2) On a nonpartisan basis.

(3) **Under IC 3** at the general election held in the county in 2024 and every four (4) years thereafter.

(d) The term of office of a member of the governing body:

(1) is four (4) years; and

(2) begins January 1 after the election of members of the governing body.

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

SECTION 22. IC 20-23-17.2-10 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 10. A vacancy in the office of a member of the governing body of the school corporation shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs. An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.~~

SECTION 23. IC 20-23-17.2-10.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 10.1. A vacancy in the governing body occurs, and shall be filled, as provided in IC 20-26-4-4.7.**

SECTION 24. IC 20-25-3-4, AS AMENDED BY P.L.169-2022, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) The board consists of seven (7) members. A member:

(1) must be elected on a nonpartisan basis **under IC 3** in general elections held in the county as specified in this section; and

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

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

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

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

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

(2) other procedures required to implement this section.

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

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

(h) A vacancy in the governing body occurs, and shall be filled, as provided in IC 20-26-4-4.7.

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

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

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

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

SECTION 25. IC 20-26-4-4, AS AMENDED BY P.L.193-2021, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. **(a)** If fewer candidates have been elected to the school board than there were members to be elected, the governing body shall determine not later than noon December 31 following the election which incumbent member or members continue to hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified. ~~However, if a vacancy in the membership of a governing body occurs, whether the vacancy was of an elected or appointed member, the remaining members of the governing body shall by majority vote fill the vacancy by appointing a person from within the boundaries of the school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the membership, to serve for the term or the balance of the term. However, this subsection does not apply to a vacancy:~~

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

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

(b) A vacancy in the governing body occurs, and shall be filled, as provided in section 4.7 of this chapter.

SECTION 26. IC 20-26-4-4.5 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 4.5. (a) The definitions in IC 3-5-2 apply to this section.~~

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

SECTION 27. IC 20-26-4-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 4.7. (a) This section does not apply to a vacancy:**

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

(2) in an appointed board membership if a plan, resolution, or law under which the school corporation operates specifically provides for filling of these vacancies by the

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

appointing authority.

(b) A vacancy in the governing body is created when any of the following occurs:

(1) A member dies.

(2) A member resigns from the governing body.

(3) A member ceases to be a resident of the school corporation.

(4) A member fails to attend, except for reason of chronic illness:

(A) three (3) consecutive regularly scheduled meetings of the governing body; or

(B) six (6) regularly scheduled meetings of the governing body in any twelve (12) month period.

(5) A member ceases to be a resident of the election district from which the member was elected.

(6) A vacancy is created under any other law.

(c) The remaining members of the governing body shall meet and select an individual to fill the vacancy in accordance with section 4 of this chapter and after the secretary of the governing body:

(1) receives notice of the death under IC 5-8-6, if a member dies; or

(2) otherwise receives notice of the vacancy if the vacancy is the result of a cause other than death.

(d) An individual selected to fill a vacancy must possess the qualifications provided for a regularly elected or appointed governing body member filling the office.

(e) An individual selected to fill a vacancy serves the remainder of the term of the governing body member whom the individual replaces.

SECTION 28. IC 33-33-53-5, AS AMENDED BY P.L.179-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

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

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

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

(B) the defense of indigents; and

(C) maintaining an adequate law library.

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

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

IC 8-4-21-2
IC 11-12-2-2
IC 16-22-2-4
IC 16-22-2-11
IC 16-22-7
IC 20-23-4
IC 20-23-7-6
~~IC 20-23-7-8.1~~
IC 20-26-7-8
IC 20-26-7-14
IC 20-47-2-15
IC 20-47-3-13
IC 36-9
IC 36-10
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.

Merged

DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY