

SENATE BILL No. 235

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-8-2.5-1; IC 3-10-1; IC 3-11; IC 3-12-1-7; IC 20-23.

Synopsis: Elected school board members. Provides that the elected members of the governing body of certain school corporations are elected on a partisan basis, beginning after December 31, 2014. Makes conforming changes to related sections.

Effective: July 1, 2015.

Smith J

January 6, 2015, read first time and referred to Committee on Elections.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 235

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 3-5-2-33.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 33.3. For purposes of this title, an office is elected on**
4 **a "nonpartisan basis" if a statute requires each candidate for that**
5 **elected office to be:**
6 (1) **elected on a nonpartisan basis; or**
7 (2) **designated on the ballot without a party affiliation.**
8 SECTION 2. IC 3-5-2-35.3 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2015]: **Sec. 35.3. For purposes of this title, an office is elected on**
11 **a "partisan basis" if a statute permits any candidate for that office**
12 **to be designated on the ballot with a party affiliation.**
13 SECTION 3. IC 3-8-2.5-1, AS ADDED BY P.L.179-2011,
14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2015]: Sec. 1. This chapter applies **only** to a candidate for a
16 school board office **elected on a nonpartisan basis.**



1 SECTION 4. IC 3-10-1-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) At a primary election each
3 political party subject to section 2 of this chapter shall nominate its
4 candidates for the following offices to be voted for at the general
5 election:

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

11 **(6) School board offices elected on a partisan basis.**

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

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

21 SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.77-2014,
22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2015]: Sec. 19. (a) The ballot for a primary election shall be
24 printed in substantially the following form for all the offices for which
25 candidates have qualified under IC 3-8:

26 OFFICIAL PRIMARY BALLOT

27 _____ Party

28 For paper ballots, print: To vote for a person, make a voting mark
29 (X or ✓) on or in the box before the person's name in the proper
30 column. For optical scan ballots, print: To vote for a person, darken or
31 shade in the circle, oval, or square (or draw a line to connect the arrow)
32 that precedes the person's name in the proper column. For optical scan
33 ballots that do not contain a candidate's name, print: To vote for a
34 person, darken or shade in the oval that precedes the number assigned
35 to the person's name in the proper column. For electronic voting
36 systems, print: To vote for a person, touch the screen (or press the
37 button) in the location indicated.

38 Vote for one (1) only
39 Representative in Congress
40 (1) AB _____
41 (2) CD _____
42 (3) EF _____



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- (4) GH _____
- (b) Local public questions shall be placed on the primary election ballot after the voting instructions described in subsection (a) and before the offices described in subsection (e).
- (c) The local public questions described in subsection (b) shall be placed:
 - (1) in a separate column on the ballot if voting is by paper ballot;
 - (2) after the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-13-11 if voting is by ballot card; or
 - (3) as provided by either of the following if voting is by an electronic voting system:
 - (A) On a separate screen for a public question.
 - (B) After the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-14-3.5.
- (d) A public question shall be placed on the primary election ballot in the following form:
 - (The explanatory text for the public question, if required by law.)
 - "Shall (insert public question)?"
 - YES
 - NO
- (e) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:
 - (1) Federal and state offices:
 - (A) President of the United States.
 - (B) United States Senator.
 - (C) Governor.
 - (D) United States Representative.
 - (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
 - (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Prosecuting attorney.



- 1 (E) Circuit court clerk.
 2 (4) County offices:
 3 (A) County auditor.
 4 (B) County recorder.
 5 (C) County treasurer.
 6 (D) County sheriff.
 7 (E) County coroner.
 8 (F) County surveyor.
 9 (G) County assessor.
 10 (H) County commissioner. This clause applies only to a county
 11 that is not subject to IC 36-2-2.5.
 12 (I) Single county executive. This clause applies only to a
 13 county that is subject to IC 36-2-2.5.
 14 (J) County council member.
 15 (5) Township offices:
 16 (A) Township assessor (only in a township referred to in
 17 IC 36-6-5-1(d)).
 18 (B) Township trustee.
 19 (C) Township board member.
 20 (D) Judge of the small claims court.
 21 (E) Constable of the small claims court.
 22 (6) City offices:
 23 (A) Mayor.
 24 (B) Clerk or clerk-treasurer.
 25 (C) Judge of the city court.
 26 (D) City-county council member or common council member.
 27 (7) Town offices:
 28 (A) Clerk-treasurer.
 29 (B) Judge of the town court.
 30 (C) Town council member.
 31 **(8) School board offices elected on a partisan basis.**
 32 (f) The political party offices with candidates for election shall be
 33 placed on the primary election ballot in the following order after the
 34 offices described in subsection (e):
 35 (1) Precinct committeeman.
 36 (2) State convention delegate.
 37 (g) The local offices to be elected at the primary election shall be
 38 placed on the primary election ballot after the offices described in
 39 subsection (f).
 40 (h) The offices described in subsection (g) shall be placed:
 41 (1) in a separate column on the ballot if voting is by paper ballot;
 42 (2) after the offices described in subsection (f) in the form



1 specified in IC 3-11-13-11 if voting is by ballot card; or

2 (3) either:

3 (A) on a separate screen for each office or public question; or

4 (B) after the offices described in subsection (f) in the form
5 specified in IC 3-11-14-3.5;

6 if voting is by an electronic voting system.

7 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.77-2014,
8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2015]: Sec. 12. The following offices shall be placed on the
10 general election ballot in the following order after the public questions
11 described in section 10(a) of this chapter:

12 (1) Federal and state offices:

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

14 (B) United States Senator.

15 (C) Governor and lieutenant governor.

16 (D) Secretary of state.

17 (E) Auditor of state.

18 (F) Treasurer of state.

19 (G) Attorney general.

20 (H) Superintendent of public instruction.

21 (I) United States Representative.

22 (2) Legislative offices:

23 (A) State senator.

24 (B) State representative.

25 (3) Circuit offices and county judicial offices:

26 (A) Judge of the circuit court, and unless otherwise specified
27 under IC 33, with each division separate if there is more than
28 one (1) judge of the circuit court.

29 (B) Judge of the superior court, and unless otherwise specified
30 under IC 33, with each division separate if there is more than
31 one (1) judge of the superior court.

32 (C) Judge of the probate court.

33 (D) Prosecuting attorney.

34 (E) Clerk of the circuit court.

35 (4) County offices:

36 (A) County auditor.

37 (B) County recorder.

38 (C) County treasurer.

39 (D) County sheriff.

40 (E) County coroner.

41 (F) County surveyor.

42 (G) County assessor.



- 1 (H) County commissioner. This clause applies only to a county
 2 that is not subject to IC 36-2-2.5.
- 3 (I) Single county executive. This clause applies only to a
 4 county that is subject to IC 36-2-2.5.
- 5 (J) County council member.
- 6 (5) Township offices:
- 7 (A) Township assessor (only in a township referred to in
 8 IC 36-6-5-1(d)).
- 9 (B) Township trustee.
- 10 (C) Township board member.
- 11 (D) Judge of the small claims court.
- 12 (E) Constable of the small claims court.
- 13 (6) City offices:
- 14 (A) Mayor.
- 15 (B) Clerk or clerk-treasurer.
- 16 (C) Judge of the city court.
- 17 (D) City-county council member or common council member.
- 18 (7) Town offices:
- 19 (A) Clerk-treasurer.
- 20 (B) Judge of the town court.
- 21 (C) Town council member.
- 22 **(8) School board offices elected on a partisan basis.**
- 23 SECTION 7. IC 3-11-2-12.9, AS AMENDED BY P.L.194-2013,
 24 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 12.9. (a) School board offices to be elected at the
 26 general election **on a nonpartisan basis** shall be placed on the general
 27 election ballot after the offices described in section 12 of this chapter
 28 with each candidate for the office designated as "nonpartisan".
- 29 (b) If the ballot contains a candidate for a school board office, the
 30 ballot must also contain a statement that reads substantially as follows:
 31 "To vote for a candidate for this office, make a voting mark on or in the
 32 square to the left of the candidate's name."
- 33 SECTION 8. IC 3-11-13-11, AS AMENDED BY P.L.194-2013,
 34 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2015]: Sec. 11. (a) The ballot information, whether placed on
 36 the ballot card or on the marking device, must be in the order of
 37 arrangement provided for ballots under this section.
- 38 (b) Each county election board shall have the names of all
 39 candidates for all elected offices, political party offices, and public
 40 questions printed on a ballot card as provided in this chapter. The
 41 county may:
- 42 (1) print all offices and questions on a single ballot card; and



- 1 (2) include a ballot variation code to ensure that the proper
2 version of a ballot is used within a precinct.
- 3 (c) Each type of ballot card must be of uniform size and of the same
4 quality and color of paper (except as permitted under 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 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
16 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
17 IC 3-11-2-14(d). The offices and public questions may be listed in a
18 continuous column either vertically or horizontally and on a number of
19 separate pages.
- 20 (f) The name of each office must be printed in a uniform size in bold
21 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 be
27 elected) candidate(s) for this office.", if more than one (1)
28 candidate is to be elected to the office.
- 29 (g) Below the name of the office and the statement required by
30 subsection (f), the names of the candidates for each office must be
31 grouped together in the following order:
- 32 (1) The major political party whose candidate received the highest
33 number of votes in the county for secretary of state at the last
34 election is listed first.
- 35 (2) The major political party whose candidate received the second
36 highest number of votes in the county for secretary of state is
37 listed second.
- 38 (3) All other political parties listed in the order that the parties'
39 candidates for secretary of state finished in the last election are
40 listed after the party listed in subdivision (2).
- 41 (4) If a political party did not have a candidate for secretary of
42 state in the last election or a nominee is an independent candidate



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



1 (k) The following information must be placed at the top of the ballot
2 before the first public question is listed:

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

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

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

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

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

17 The name and device of each political party or independent ticket must
18 be of uniform size and type and arranged in the order established by
19 subsection (g) for listing candidates under each office. The instructions
20 described in IC 3-11-2-10(c) for voting a straight party ticket and the
21 statement concerning presidential electors required under IC 3-10-4-3
22 may be placed on the ballot beside or above the names and devices
23 within the voting booth in a location that permits the voter to easily
24 read the instructions.

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

31 (n) The requirements in this section:

32 (1) do not replace; and

33 (2) are in addition to;

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

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

39 (p) This subsection applies to an optical scan ballot that does not
40 list:

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

42 (2) the text of public questions;



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

4 SECTION 9. IC 3-11-14-3.5, AS AMENDED BY P.L.76-2014,
 5 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 3.5. (a) Each county election board shall have the
 7 names of all candidates for all elected offices, political party offices,
 8 and public questions printed on ballot labels for use in an electronic
 9 voting system as provided in this chapter.

10 (b) The county may:

11 (1) print all offices and public questions on a single ballot label;
 12 and

13 (2) include a ballot variation code to ensure that the proper
 14 version of a ballot label is used within a precinct.

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

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

25 (e) The ballot labels must list the offices and public questions on the
 26 general election ballot in the order listed in IC 3-11-2-12,
 27 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
 28 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
 29 IC 3-11-2-14(d). Each office and public question may have a separate
 30 screen, or the offices and public questions may be listed in a
 31 continuous column either vertically or horizontally.

32 (f) The name of each office must be printed in a uniform size in bold
 33 type. 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:

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

38 (2) "Vote for not more than (insert the number of candidates to be
 39 elected) candidate(s) for this office.", if more than one (1)
 40 candidate is to be elected to the office.

41 (g) Below the name of the office and the statement required by
 42 subsection (f), the names of the candidates for each office must be



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



1 (3) within the political party, in alphabetical order according to
2 surname.

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

7 (j) Candidates for election to at-large seats on the governing body
8 of a school corporation **elected on a nonpartisan basis** must be
9 grouped:

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

12 (2) in alphabetical order according to surname.

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

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

20 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and
21 IC 3-11-2-10(e) may be:

22 (1) placed on the ballot label; or

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

25 (m) The ballot label must include a touch sensitive point or button
26 for voting a straight political party or independent ticket (described in
27 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button
28 must be identified by:

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

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

33 The name and device of each party or ticket must be of uniform size
34 and type, and arranged in the order established by subsection (g) for
35 listing candidates under each office. The instructions described in
36 IC 3-11-2-10(c) for voting a straight party ticket and the statement
37 concerning presidential electors required under IC 3-10-4-3 may be
38 placed on the ballot label or in a location within the voting booth that
39 permits the voter to easily read the instructions.

40 (n) A public question must be in the form described in
41 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
42 point or button must be used instead of a square. Except as expressly



1 authorized or required by statute, a county election board may not print
 2 a ballot label that contains language concerning the public question
 3 other than the language authorized by a statute.

4 (o) The requirements in this section:

5 (1) do not replace; and

6 (2) are in addition to;

7 any other requirements in this title that apply to ballots for electronic
 8 voting systems.

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

13 SECTION 10. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,
 14 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This subsection applies
 16 whenever a voter:

17 (1) votes a straight party ticket; and

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

20 The straight ticket vote shall be counted and the individual candidate
 21 votes may not be counted.

22 (b) This subsection applies whenever:

23 (1) a voter has voted a straight party ticket for the candidates of
 24 one (1) political party;

25 (2) only one (1) person may be elected to an office; and

26 (3) the voter has voted for one (1) individual candidate for the
 27 office described in subdivision (2) who is:

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

30 (B) an independent candidate for the office.

31 If the voter has voted for one (1) individual candidate for the office
 32 described in subdivision (2), the individual candidate vote for that
 33 office shall be counted, the straight party ticket vote for that office may
 34 not be counted, and the straight party ticket votes for other offices on
 35 the ballot shall be counted.

36 (c) This subsection applies whenever:

37 (1) a voter has voted a straight party ticket for the candidates of
 38 one (1) political party; and

39 (2) the voter has voted for more individual candidates for the
 40 office than the number of persons to be elected to that office.

41 The individual candidate votes for that office may not be counted, the
 42 straight party ticket vote for that office may not be counted, and the



1 straight party ticket votes for other offices on the ballot shall be
2 counted.

3 (d) This subsection applies whenever:

4 (1) a voter has voted a straight party ticket for the candidates of
5 one (1) political party;

6 (2) more than one (1) person may be elected to an office; and

7 (3) the voter has voted for individual candidates for the office
8 described in subdivision (2) who are:

9 (A) independent candidates;

10 (B) candidates of a political party other than the political party
11 for which the voter cast a straight party ticket under
12 subdivision (1); or

13 (C) a combination of candidates described in clauses (A) and
14 (B).

15 The individual votes cast by the voter for the office for the independent
16 candidates and the candidates of a political party other than the
17 political party for which the voter cast a straight party ticket shall be
18 counted. The straight party ticket vote cast by that voter for that office
19 shall be counted unless the total number of votes cast for the office by
20 the voter, when adding the voter's votes for the individual candidates
21 for the office and the voter's straight party ticket votes for the office, is
22 greater than the number of persons to be elected to the office. If the
23 total number of votes cast for the office is greater than the number of
24 persons to be elected to the office, the straight party ticket votes for the
25 office may not be counted. The straight party ticket votes for other
26 offices on the voter's ballot shall be counted.

27 (e) This subsection applies whenever:

28 (1) a voter has voted a straight party ticket for the candidates of
29 one (1) political party;

30 (2) more than one (1) person may be elected to an office; and

31 (3) the voter has voted for individual candidates for the office
32 described in subdivision (2) who are:

33 (A) independent candidates or candidates of a political party
34 other than the political party for which the voter cast a straight
35 party ticket under subdivision (1); and

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

38 The individual votes cast by the voter for the office for the independent
39 candidates and the candidates of a political party other than the
40 political party for which the voter cast a straight party ticket shall be
41 counted. The individual votes cast by the voter for the office for the
42 candidates of the same political party for which the voter cast a straight



1 party ticket may not be counted. The straight party ticket vote cast by
 2 that voter for that office shall be counted unless the total number of
 3 votes cast for the office by the voter, when adding the voter's votes for
 4 the individual candidates for the office and the voter's straight party
 5 ticket vote for the office is greater than the number of persons to be
 6 elected to the office. If the total number of votes cast for the office is
 7 greater than the number of persons to be elected to the office, the
 8 straight party ticket votes for that office may not be counted. The
 9 straight party ticket votes for other offices on the voter's ballot shall be
 10 counted.

11 (f) If a voter votes a straight party ticket for more than one (1)
 12 political party, the whole ballot is void with regard to all candidates
 13 nominated by a political party or designated as independent candidates
 14 on the ballot. However, the voter's vote for a school board candidate
 15 **elected on a nonpartisan basis** or on a public question shall be
 16 counted if otherwise valid under this chapter.

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

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

24 SECTION 11. IC 20-23-4-12, AS AMENDED BY P.L.179-2011,
 25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 12. (a) In formulating a preliminary reorganization
 27 plan and with respect to each of the community school corporations
 28 that are a part of the reorganization plan, the county committee shall
 29 determine the following:

- 30 (1) The name of the community school corporation.
 31 (2) Subject to subsection (e), a general description of the
 32 boundaries of the community school corporation.
 33 (3) With respect to the board of school trustees, the following:
 34 (A) Whether the number of members is:
 35 (i) three (3);
 36 (ii) five (5); or
 37 (iii) seven (7).
 38 (B) Whether the members are elected or appointed.
 39 (C) If the members are appointed:
 40 (i) when the appointments are made; and
 41 (ii) who makes the appointments.
 42 (D) If the members are elected, that the election is:



- 1 **(i) governed by IC 20-23-7.5; and**
 2 **(ii) at the general election at which county officials are**
 3 elected.
 4 (E) Subject to sections 21 and 22 of this chapter, the manner
 5 in which members are elected or appointed.
 6 (4) The compensation, if any, of the members of the regular and
 7 interim board of school trustees, which may not exceed the
 8 amount provided in IC 20-26-4-7.
 9 (5) Subject to subsection (f), qualifications required of the
 10 members of the board of school trustees, including limitations on:
 11 (A) residence; and
 12 (B) term of office.
 13 (6) If an existing school corporation is divided in the
 14 reorganization, the disposition of assets and liabilities.
 15 (7) The disposition of school aid bonds, if any.
 16 (b) If existing school corporations are not divided in the
 17 reorganization, the:
 18 (1) assets;
 19 (2) liabilities; and
 20 (3) obligations;
 21 of the existing school corporations shall be transferred to and assumed
 22 by the new community school corporation of which they are a part,
 23 regardless of whether the plan provides for transfer and assumption.
 24 (c) The preliminary plan must be supported by a summary statement
 25 of the following:
 26 (1) The educational improvements the plan's adoption will make
 27 possible.
 28 (2) Data showing the:
 29 (A) assessed valuation;
 30 (B) number of resident students in ADA in grades 1 through
 31 12;
 32 (C) assessed valuation per student referred to in clause (B);
 33 and
 34 (D) property tax levies;
 35 of each existing school corporation to which the plan applies.
 36 (3) The:
 37 (A) assessed valuation;
 38 (B) resident ADA; and
 39 (C) assessed valuation per student;
 40 data referred to in subdivision 2(A) through 2(C) that would have
 41 applied for each proposed community school corporation if the
 42 corporation existed in the year the preliminary plan is prepared or



- 1 notice of a hearing or hearings on the preliminary plan is given by
 2 the county committee.
- 3 (4) Any other data or information the county committee considers
 4 appropriate or that may be required by the state board in its rules.
- 5 (d) The county committee:
- 6 (1) shall base the assessed valuations and tax levies referred to in
 7 subsection (c)(2) through (c)(3) on the valuations applying to
 8 taxes collected in:
- 9 (A) the year the preliminary plan is prepared; or
 10 (B) the year notice of a hearing or hearings on the preliminary
 11 plan is given by the county committee;
- 12 (2) may base the resident ADA figures on the calculation of the
 13 figures under the rules under which they are submitted to the state
 14 superintendent by existing school corporations; and
- 15 (3) shall set out the resident ADA figures for:
- 16 (A) the school year in progress if the figures are available for
 17 that year; or
 18 (B) the immediately preceding school year if the figures are
 19 not available for the school year in progress.
- 20 The county committee may obtain the data and information referred to
 21 in this subsection from any source the committee considers reliable. If
 22 the county committee attempts in good faith to comply with this
 23 subsection, the summary statement referred to in subsection (c) is
 24 sufficient regardless of whether the statement is exactly accurate.
- 25 (e) The general description referred to in subsection (a)(2) may
 26 consist of an identification of an existing school corporation that is to
 27 be included in its entirety in the community school corporation. If a
 28 boundary does not follow the boundary of an existing civil unit of
 29 government or school corporation, the description must set out the
 30 boundary:
- 31 (1) as near as reasonably possible by:
- 32 (A) streets;
 33 (B) rivers; and
 34 (C) other similar boundaries;
 35 that are known by common names; or
- 36 (2) if descriptions as described in subdivision (1) are not possible,
 37 by section lines or other legal description.
- 38 The description is not defective if there is a good faith effort by the
 39 county committee to comply with this subsection or if the boundary
 40 may be ascertained with reasonable certainty by a person skilled in the
 41 area of real estate description. The county committee may require the
 42 services of the county surveyor in preparing a description of a boundary



- 1 line.
- 2 (f) A member of the board of school trustees:
- 3 (1) may not serve an appointive or elective term of more than four
- 4 (4) years; and
- 5 (2) may serve more than one (1) consecutive appointive or
- 6 elective term.
- 7 SECTION 12. IC 20-23-4-29.1, AS ADDED BY P.L.179-2011,
- 8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2015]: Sec. 29.1. (a) This section applies to each school
- 10 corporation.
- 11 (b) If a plan provides for election of members of the governing
- 12 body, the members of the governing body shall be elected at a general
- 13 election **as provided in IC 20-23-7.5**. Each candidate must file a
- 14 petition of nomination in accordance with IC 3-8-2.5 that is signed by
- 15 the candidate and by ten (10) registered voters residing within the
- 16 boundaries of the community school corporation. The filing must be
- 17 made within the time specified by IC 3-8-2.5-4.
- 18 (c) All nominations shall be listed for each office in the form
- 19 prescribed by IC 3-11-2. ~~but without party designation~~. Voting and
- 20 tabulation of votes shall be conducted in the same manner as voting
- 21 and tabulation in general elections are conducted. The precinct election
- 22 boards serving in each county shall conduct the election for members
- 23 of the governing body. If a school corporation is located in more than
- 24 one (1) county, each county election board shall print the ballots
- 25 required for voters in that county to vote for candidates for members of
- 26 the governing body.
- 27 (d) If the plan provides that the members of the governing body
- 28 shall be elected by all the voters of the community school corporation,
- 29 candidates shall be placed on the ballot in the form prescribed by
- 30 IC 3-11-2. ~~without party designation~~. The candidates who receive the
- 31 most votes are elected.
- 32 (e) If the plan provides that members of the governing body are to
- 33 be elected from residence districts by all voters in the community
- 34 school corporation, nominees for the governing body shall be placed on
- 35 the ballot in the form prescribed by IC 3-11-2, by residence districts.
- 36 ~~without party designation~~. The ballot must state the number of
- 37 members to be voted on and the maximum number of members that
- 38 may be elected from each residence district as provided in the plan. A
- 39 ballot is not valid if more than the maximum number of members are
- 40 voted on from a board member residence district. The candidates who
- 41 receive the most votes are elected. However, if more than the
- 42 maximum number that may be elected from a residence district are



1 among those receiving the most votes, the candidates from the
 2 residence districts exceeding the maximum number who receive the
 3 fewest votes shall be eliminated in determining the candidates who are
 4 elected.

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

12 SECTION 13. IC 20-23-7-8.1, AS AMENDED BY P.L.219-2013,
 13 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 8.1. (a) The registered voters of the metropolitan
 15 school district shall elect the members of the metropolitan board of
 16 education at general elections held biennially, beginning with the next
 17 general election that is held more than sixty (60) days after the creation
 18 of the metropolitan school district as provided in this chapter.

19 (b) **This subsection applies only to a nominee for a board whose**
 20 **members are elected on a nonpartisan basis.** Each nominee for the
 21 board must file a petition of nomination signed by the nominee and by
 22 ten (10) registered voters residing in the same board member district
 23 as the nominee. The petition must be filed in accordance with
 24 IC 3-8-2.5 with the circuit court clerk of each county in which the
 25 metropolitan school district is located.

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

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

29 (2) by board member districts. ~~and~~

30 ~~(3) without party designation.~~

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

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

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

41 (f) If there are more candidates from a particular board member
 42 district than may be elected from the board member district under



1 section 5 of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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



1 the successor is elected shall serve for a two (2) year term.

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

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

15 SECTION 14. IC 20-23-7.5 IS ADDED TO THE INDIANA CODE
16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2015]:

18 **Chapter 7.5. Elected School Board Members**

19 **Sec. 1. As used in this chapter, election on a "nonpartisan basis"**
20 **is described in IC 3-5-2-33.3.**

21 **Sec. 2. As used in this chapter, election on a "partisan basis" is**
22 **described in IC 3-5-2-35.3.**

23 **Sec. 3. This chapter does not change the method of selection of**
24 **a member of the governing body of a school corporation who is**
25 **appointed.**

26 **Sec. 4. (a) This section applies only to the following:**

27 **(1) A school corporation, any part of which is located in a**
28 **county having a population of more than two hundred fifty**
29 **thousand (250,000).**

30 **(2) A school corporation governed by any of the following:**

31 **(A) IC 20-23-12.**

32 **(B) IC 20-23-13.**

33 **(C) IC 20-23-14.**

34 **(D) IC 20-23-15.**

35 **(E) IC 20-23-17.**

36 **(F) IC 20-23-17.2.**

37 **(G) IC 20-25.**

38 **(b) An elected member of the governing body of a school**
39 **corporation shall be elected on a nonpartisan basis as provided in**
40 **IC 3.**

41 **Sec. 5. Except as provided in section 4 of this chapter, after**
42 **December 31, 2015, an elected member of the governing body of a**



1 **school corporation shall be elected on a partisan basis as provided**
2 **in IC 3.**

