

## **IC 20-23-14**

### **Chapter 14. Election of Governing Body Members in Lake Station**

#### **IC 20-23-14-1**

##### **Application of chapter**

Sec. 1. This chapter applies to a school corporation for which a referendum has been held:

- (1) as required by statute; and
- (2) in which a majority of the votes cast approves electing the members of the governing body.

*As added by P.L.1-2005, SEC.7.*

#### **IC 20-23-14-2**

##### **"School corporation"**

Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than twelve thousand five hundred (12,500) but less than twelve thousand seven hundred (12,700).

*As added by P.L.1-2005, SEC.7. Amended by P.L.119-2012, SEC.150.*

#### **IC 20-23-14-3**

##### **Governing body; members**

Sec. 3. (a) The governing body of the school corporation consists of five (5) members elected on a nonpartisan basis.

(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.

(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.

*As added by P.L.1-2005, SEC.7. Amended by P.L.271-2013, SEC.42.*

#### **IC 20-23-14-4**

##### **Repealed**

*(As added by P.L.1-2005, SEC.7. Repealed by P.L.271-2013, SEC.43.)*

#### **IC 20-23-14-4.5**

#### **Redistricting governing member districts; standards for establishing districts; certification of districts; redistricting; recertification of districts; amendments of plan filed with circuit court clerk; time for filing; district boundary description prevails over conflicting map**

Sec. 4.5. (a) Until the first reapportionment required under this section, the school districts for the election of the members of the governing body under section 3(b) of this chapter are the districts set forth in section 4 of this chapter (before its repeal).

(b) The governing body shall, by resolution, reapportion the school districts and change their boundaries, if necessary, not later than December 31 of the year immediately following the year in which a decennial census is taken.

(c) The school districts established must:

- (1) be as near as practicable equal in population;
- (2) have boundaries set forth in the text of the resolution; and
- (3) comply with:
  - (A) the Constitution of the United States; and
  - (B) the Constitution of the State of Indiana;

including the equal protection clauses of both constitutions.

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

(e) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the resolution if an amendment is necessary to reapportion the school districts and change their boundaries to comply with subsection (c). If the governing body determines that reapportionment and changes to the boundaries of the school districts are not required, the governing body shall recertify that the school districts as established comply with subsection (c).

(f) Each time the governing body amends the resolution or makes a recertification, the governing body shall file a copy of the following with the board of elections and registration established by IC 3-6-5.2-3 not later than thirty (30) days after the amendment or recertification occurs:

- (1) A copy of the amendment or recertification.
- (2) One (1) of the following:
  - (A) A certification that changes to the school district boundaries as established are not required to comply with subsection (c).
  - (B) If reapportionment of the school districts and changes to their boundaries are required to comply with subsection (c),

- a map showing the boundaries of the new school districts.
- (g) If a conflict exists between:
- (1) a map showing the boundaries of a school district; and
  - (2) a description of the boundaries of that school district set forth in the resolution or resolution amendment;

the school district boundaries are the description of the boundaries set forth in the resolution or resolution amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

*As added by P.L.271-2013, SEC.44.*

## **IC 20-23-14-5**

### **Candidates; eligibility**

Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

- (1) Each prospective candidate must file a petition of nomination with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the general election at which the members are to be elected. The petition of nomination must include the following:
  - (A) The name of the prospective candidate.
  - (B) Whether the prospective candidate is a district candidate or an at-large candidate.
  - (C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.
  - (D) The signatures of at least one hundred (100) registered voters residing in the school corporation.
- (2) Each prospective candidate for a district position must:
  - (A) reside in the district; and
  - (B) have resided in the district for at least the three (3) years immediately preceding the election.
- (3) Each prospective candidate for an at-large position must:
  - (A) reside in the school corporation; and
  - (B) have resided in the school corporation for at least the three (3) years immediately preceding the election.
- (4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:
  - (A) be a registered voter;
  - (B) have been a registered voter for at least the three (3) years immediately preceding the election; and
  - (C) be a high school graduate or have received a:
    - (i) high school equivalency certificate; or
    - (ii) state general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.
- (5) A prospective candidate may not:
  - (A) hold any other elective or appointive office; or
  - (B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.  
*As added by P.L.1-2005, SEC.7. Amended by P.L.230-2005, SEC.81; P.L.7-2011, SEC.8; P.L.179-2011, SEC.27; P.L.6-2012, SEC.127.*

#### **IC 20-23-14-6**

##### **Election of district and at-large positions**

Sec. 6. (a) With regard to a district position referred to in section 3(b) of this chapter, the candidate who receives the greatest number of votes of all candidates for that position is elected.

(b) With regard to the at-large positions referred to in section 3(c) of this chapter, the two (2) at-large candidates who receive the greatest number of votes of all at-large candidates are elected.

*As added by P.L.1-2005, SEC.7. Amended by P.L.1-2006, SEC.319.*

#### **IC 20-23-14-7**

##### **Balloting procedures**

Sec. 7. The state board, with assistance from the county election board, shall establish:

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

*As added by P.L.1-2005, SEC.7.*

#### **IC 20-23-14-8**

##### **Term of office**

Sec. 8. (a) The term of each person elected to serve on the governing body is four (4) years.

(b) The term of each person elected to serve on the governing body begins 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 that immediately follows the person's election.

*As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.28; P.L.219-2013, SEC.84.*

#### **IC 20-23-14-9**

##### **Schedule of elections**

Sec. 9. The members are elected as follows:

- (1) Three (3) of the members are elected at the general election to be held in 2016 and every four (4) years thereafter.
- (2) Two (2) of the members are elected at the general election to be held in 2018 and every four (4) years thereafter.

*As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.29; P.L.216-2015, SEC.37.*

#### **IC 20-23-14-10**

##### **Vacancies**

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.

*As added by P.L.1-2005, SEC.7.*