

IC 20-23-15

Chapter 15. Election of Governing Body Members in South Bend

IC 20-23-15-1

"County"

Sec. 1. As used in this chapter, "county" means the county in which the school corporation is located.

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

IC 20-23-15-2

"School corporation"

Sec. 2. As used in this chapter, "school corporation" means a school corporation that:

- (1) is located in a county having a population of:
 - (A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or
 - (B) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); and
- (2) has at least twenty thousand (20,000) students.

As added by P.L.1-2005, SEC.7. Amended by P.L.119-2012, SEC.151.

IC 20-23-15-3

Referendum

Sec. 3. (a) A school corporation shall hold a referendum at the first primary election after this chapter becomes applicable to the school corporation in which the registered voters who reside within the boundaries of the school corporation are entitled to vote as to whether the school corporation shall elect the members of the governing body of the school corporation under sections 6 through 11 of this chapter.

(b) The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum.

As added by P.L.1-2005, SEC.7. Amended by P.L.1-2009, SEC.121.

IC 20-23-15-4

Notice of referendum

Sec. 4. (a) The circuit court clerk of the county shall provide notice of the referendum to the registered voters who reside within the boundaries of the school corporation:

- (1) at least one (1) time;
- (2) in at least one (1) newspaper of general circulation that is published in the county; and
- (3) not earlier than March 15 or later than April 15 of the year in which the referendum is held.

(b) The notice published under subsection (a) must:

- (1) state that the referendum is called to afford the registered voters an opportunity to vote on whether members of the governing body will be elected;
- (2) state that the referendum will be held at the next primary election to be held on the first Tuesday after the first Monday in May;
- (3) state that the referendum will be held on a nonpartisan basis and that all registered voters residing within the boundaries of the (insert the name of school corporation) may vote in the referendum; and
- (4) designate that the voting place or places at which the referendum will be held must be those that are:
 - (A) used for the next primary election; and
 - (B) located within the boundaries of the (insert the name of school corporation).
- (c) The referendum question must be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state:

"Shall the members of the board of school trustees of the (insert the name of school corporation) be elected in the general election from five (5) districts and from two (2) at-large positions in the school corporation?"

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

IC 20-23-15-5

Tally of votes

Sec. 5. (a) Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum and shall certify those two (2) totals to the county election board.

(b) The clerk of the circuit court of the county shall, immediately after the votes cast in the referendum have been counted, certify the results to the state board.

(c) If a majority of the votes cast in the referendum favors the election of the members of the governing body, sections 6 through 11 of this chapter concerning the manner in which the members of the governing body shall be elected apply.

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

IC 20-23-15-6

School corporation governing body; election; district and at-large elections

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) 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.

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

IC 20-23-15-7

Establishment of districts

Sec. 7. The state board shall, before July 1 immediately following the referendum, establish the school districts for the election of the members of the governing body under section 6(b) of this chapter as follows:

- (1) The districts shall be drawn on the basis of precinct lines.
- (2) The districts must be, 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%).
- (3) The district lines must not cross precinct lines.

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

IC 20-23-15-7.5

Copy of school corporation plan filed with circuit court clerk; certification of election districts; redistricting; recertification of districts; amendments of plan filed with circuit court clerk; time for filing; district boundary description prevails over conflicting map

Sec. 7.5. (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 7 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 if an amendment is necessary to reestablish the districts in compliance with section 7 of this chapter. If the governing body determines that a plan amendment is not required, the governing body shall recertify that the districts as established comply with section 7 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 7 of this chapter.
 - (B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section

7 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.

(e) 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.

(f) If a conflict exists between:

(1) a map showing the boundaries of a district; and

(2) a description of the boundaries of that district set forth in the plan or plan amendment;

the district boundaries are the description of the boundaries set forth in the plan or plan 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.45.

IC 20-23-15-8

Candidates for district positions on governing bodies; eligible voters

Sec. 8. If a candidate runs for one (1) of the district positions on the governing body, as provided under section 6(b) of this chapter, the following apply:

(1) An individual who runs for one (1) of the district positions on the governing body must reside within that district.

(2) Upon filing an intention to run under this chapter, the candidate must specify that the candidate is running for a district position.

(3) Only eligible voters residing in the candidate's district may vote for the candidate.

(4) The candidate who receives the greatest number of votes of all candidates for the position wins.

As added by P.L.1-2005, SEC.7. Amended by P.L.1-2006, SEC.320.

IC 20-23-15-9

Candidates for at-large positions; eligible voters

Sec. 9. If a candidate runs for one (1) of the at-large positions on the governing body, as provided under section 6(c) of this chapter, the following apply:

(1) An individual who runs for one (1) of the at-large positions on the governing body must reside within the boundaries of the school corporation.

(2) Upon filing an intention to run under this chapter, the candidate must specify that the candidate is running for an at-large position.

- (3) Eligible voters from all districts may vote for the candidate.
- (4) The two (2) candidates who receive the greatest number of votes win.

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

IC 20-23-15-10

Balloting procedures

Sec. 10. The state board shall establish:

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

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

IC 20-23-15-11

Term of office

Sec. 11. (a) Except as otherwise provided in this section, a person elected to serve on the governing body serves as follows:

- (1) The person's term 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 of the year following the person's election.
- (2) The person serves a four (4) year term.

(b) The two (2) members of the governing body who were last selected under the selection process in effect for the school corporation before a referendum is held under this chapter shall serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter. However, if this subsection applies to more than two (2) members, the circuit court judge for the county shall select two (2) of these members to serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter.

(c) The terms of all other members of the governing body who were selected to serve on the governing body before a referendum is held under this chapter expire December 31 of the year in which the referendum is held.

(d) In the initial general election held to elect members of the governing body under this chapter, five (5) of the members shall be elected by voters from their districts as follows:

- (1) Three (3) of the members elected shall serve for four (4) year terms.
- (2) Two (2) of the members elected shall serve for two (2) year terms.

(e) In the second general election held to elect members of the

governing body under this chapter, four (4) of the members shall be elected as follows:

(1) Two (2) of the members shall be elected by voters from their district and shall serve four (4) year terms.

(2) Two (2) of the members shall be elected at large and shall serve four (4) year terms.

As added by P.L.1-2005, SEC.7. Amended by P.L.219-2013, SEC.85.

IC 20-23-15-12

Vacancies

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.

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