

HOUSE BILL No. 1182

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-2.5.

Synopsis: School board elections. Provides that for school board offices, each candidate's affiliation with a political party or status as an independent candidate must be stated on the ballot.

Effective: Upon passage.

Prescott, Wesco, Morris

January 6, 2022, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1182

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 3-8-2.5-2.5, AS AMENDED BY P.L.169-2015,
- 2 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 2.5. (a) A petition of nomination for a school
- 4 board office must state all of the following:
- 5 (1) The name of each candidate as:
- 6 (A) the candidate wants the candidate's name to appear on the
- 7 ballot; and
- 8 (B) the candidate's name is permitted to appear on the ballot
- 9 under IC 3-5-7.
- 10 (2) The address of each candidate, including the mailing address,
- 11 if different from the residence address of the candidate.
- 12 (3) The school board office that each candidate seeks.
- 13 (4) That each petitioner is a qualified registered voter and desires
- 14 to be able to vote for the candidates listed on the petition.
- 15 **(5) The candidate's political party affiliation or, if the**
- 16 **candidate does not identify with a political party, that the**
- 17 **candidate is an independent candidate. Unless the candidate's**



1 **political party affiliation is challenged under section 7 of this**
2 **chapter, the candidate's political party affiliation stated on**
3 **the petition shall be indicated on the ballot in the manner**
4 **determined by the county election board.**

5 (b) The petition of nomination must be accompanied by the
6 following:

7 (1) The candidate's written consent to become a candidate.

8 (2) A statement that the candidate:

9 (A) is aware of the provisions of IC 3-9 regarding campaign
10 finance and the reporting of campaign contributions and
11 expenditures; and

12 (B) agrees to comply with the provisions of IC 3-9 referred to
13 in clause (A).

14 (3) A statement by the candidate that the candidate is aware of the
15 requirement to file a campaign finance statement of organization
16 under IC 3-9 after the first of either of the following occurs:

17 (A) The candidate receives more than five hundred dollars
18 (\$500) in contributions.

19 (B) The candidate makes more than five hundred dollars
20 (\$500) in expenditures.

21 (4) A statement indicating whether or not each candidate:

22 (A) has been a candidate for state, legislative, local, or school
23 board office in a previous primary, municipal, special, or
24 general election; and

25 (B) has filed all reports required by IC 3-9-5-10 for all
26 previous candidacies.

27 (5) A statement that each candidate is legally qualified to hold the
28 office that the candidate seeks, including any applicable residency
29 requirements and restrictions on service due to a criminal
30 conviction.

31 (6) Any statement of economic interests required under IC 3-8-9.

32 **(7) The certification of the county chairman, if required under**
33 **subsection (c).**

34 **(c) If a candidate claims affiliation with a major political party**
35 **under subsection (a)(5), the candidate must have voted in the two**
36 **(2) most recent primary elections in Indiana held by the party with**
37 **which the candidate claims affiliation. The petition must provide**
38 **a place for the candidate to affirm the candidate's primary election**
39 **participation, if the candidate chooses affiliation with a major**
40 **political party. If the candidate did not vote in the two (2) most**
41 **recent primary elections in Indiana held by the party with which**
42 **the candidate claims affiliation, the county chairman of:**



1 **(1) the political party with which the candidate claims**
 2 **affiliation; and**
 3 **(2) the county in which the candidate resides;**
 4 **must certify in writing that the candidate is a member of the**
 5 **political party for the candidate's claimed affiliation to be valid.**
 6 **The petition of nomination must inform candidates how political**
 7 **party affiliation is determined under this subsection.**

8 SECTION 2. IC 3-8-2.5-7, AS ADDED BY P.L.194-2013,
 9 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 7. (a) A person may not be selected as a
 11 candidate by petition of nomination without giving written consent and
 12 having it filed with the public official with whom certificates and
 13 petitions of nomination are required to be filed.

14 (b) Each candidate nominated by petition of nomination for a school
 15 board office must satisfy all statutory eligibility requirements for the
 16 office for which the candidate is nominated, including the filing of
 17 statements of economic interest.

18 (c) A statement questioning the validity of a petition of nomination
 19 or contesting the denial of certification under section 6 of this chapter
 20 must be filed with the county election board in accordance with
 21 IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of
 22 the general election. A question regarding the validity of a petition of
 23 nomination or the denial of certification shall be referred to and
 24 determined by the county election board not later than noon fifty-four
 25 (54) days before the date of the general election.

26 (d) A statement concerning the validity of a declaration of intent to
 27 be a write-in candidate for a school board office under section 4 of this
 28 chapter must be filed with the county election board in accordance with
 29 IC 3-8-1-2 not later than noon sixty-seven (67) days before the date of
 30 the general election. A question regarding the validity of a declaration
 31 of intent to be a write-in candidate for a school board office shall be
 32 referred to and determined by the county election board not later than
 33 noon fifty-four (54) days before the date of the general election.

34 **(e) If a candidate's petition states that the candidate is affiliated**
 35 **with a major political party, that statement may be challenged**
 36 **under this section. A challenge under this subsection succeeds only**
 37 **if the challenger shows both of the following:**

38 **(1) The candidate did not vote in the two (2) most recent**
 39 **primary elections in Indiana held by the party with which the**
 40 **candidate claims affiliation.**

41 **(2) The county chairman of:**

42 **(A) the political party with which the candidate claims**



- 1 **affiliation; and**
2 **(B) the county in which the candidate resides;**
3 **did not certify that the candidate is a member of the political**
4 **party with which the candidate claims affiliation. If the**
5 **candidate produces a copy of the certification of the county**
6 **chairman of the political party with which the candidate**
7 **claims affiliation at the time the candidate filed the petition,**
8 **the claim of a challenger under this subdivision is conclusively**
9 **rebutted.**
- 10 **(f) Unless a challenger shows under subsection (e) that a**
11 **candidate is not affiliated with the major political party with which**
12 **the candidate claims affiliation, the candidate's claimed political**
13 **party affiliation shall be indicated on the ballot as required by**
14 **section 2.5(a)(5) of this chapter.**
- 15 **(g) A candidate's claimed political party affiliation with a party**
16 **other than a major political party is not subject to challenge under**
17 **this section.**
- 18 **SECTION 3. An emergency is declared for this act.**

