

HOUSE BILL No. 1376

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-9-3; IC 20-23; IC 20-26-7-18; IC 20-46.

Synopsis: Election day for school referenda. Provides that a local public question concerning certain education matters, including a school referendum tax levy and school safety referendum tax levy, may be placed on the ballot only at a general election or municipal general election.

Effective: July 1, 2024.

Behning, Teshka, McGuire

January 10, 2024, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1376

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 3-10-9-3, AS AMENDED BY P.L.225-2011,
2 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 3. **(a) Except as provided in subsection (b)**, if a
4 local public question must be certified to an election board by law, that
5 certification must occur no later than noon:
6 (1) seventy-four (74) days before a primary election if the public
7 question is to be placed on the primary or municipal primary
8 election ballot; or
9 (2) August 1 if the public question is to be placed on the general
10 or municipal election ballot.
11 **(b) A referendum or local public question under IC 20 may be**
12 **placed on the ballot only at the following elections:**
13 **(1) A general election.**
14 **(2) A municipal general election, but only if the election**
15 **district for the public question is contained entirely within a**
16 **municipality.**
17 **Certification of a local public question under this subsection must**



1 **occur not later than noon August 1.**

2 SECTION 2. IC 20-23-4-21, AS AMENDED BY P.L.244-2017,
3 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]: Sec. 21. (a) If the chairperson of the county committee
5 does not receive the certification or combined certifications under
6 section 20(f) of this chapter not later than ninety (90) days after the
7 receipt by the county committee of the plan referred to in section 20(a)
8 of this chapter, the judge of the circuit court of the county from which
9 the county committee submitting the plan was appointed shall:

10 (1) certify the public question under ~~IC 3-10-9-3~~; **IC 3-10-9-3(b)**;

11 and

12 (2) order the county election board to ~~conduct a special election~~
13 **in which place the public question on the ballot at the next**
14 **election permitted under IC 3-10-9-3(b) at which** registered
15 voters residing in the proposed community school corporation
16 may vote to determine whether the corporation will be created.

17 ~~(b) If:~~

18 ~~(1) a primary election at which county officials are nominated; or~~

19 ~~(2) a general election at which county officials are elected;~~

20 ~~and for which the question can be certified in compliance with~~
21 ~~IC 3-10-9-3 is to be held not later than six (6) months after the receipt~~
22 ~~by the chairperson of the county committee of the plan referred to in~~
23 ~~section 20(a) of this chapter, regardless of whether the ninety (90) day~~
24 ~~period referred to in subsection (a) has expired; the judge shall order~~
25 ~~the county election board to conduct the special election to be held in~~
26 ~~conjunction with the primary or general election.~~

27 ~~(c) If a primary or general election will not be held in the six (6)~~
28 ~~month period referred to in subsection (b); the special election shall be~~
29 ~~held:~~

30 ~~(1) not earlier than sixty (60) days; and~~

31 ~~(2) not later than one hundred twenty (120) days;~~

32 ~~after the expiration of the ninety (90) day period referred to in~~
33 ~~subsection (a):~~

34 ~~(d) (b) The county election board shall give notice under IC 5-3-1~~
35 ~~of the special election a public question referred to in subsection (a).~~

36 ~~(e) (c) The notice referred to in subsection (d) (b) of a special~~
37 ~~election public question must:~~

38 (1) clearly state that the election is called to afford the registered
39 voters an opportunity to approve or reject a proposal for the
40 formation of a community school corporation;

41 (2) contain:

42 (A) a general description of the boundaries of the community



- 1 school corporation as set out in the plan;
 2 (B) a statement of the terms of adjustment of:
 3 (i) property;
 4 (ii) assets;
 5 (iii) debts; and
 6 (iv) liabilities;
 7 of an existing school corporation that is to be divided in the
 8 creation of the community school corporation;
 9 (C) the name of the community school corporation;
 10 (D) the number of members comprising the board of school
 11 trustees; and
 12 (E) the method of selecting the board of school trustees of the
 13 community school corporation; and
 14 (3) designate the date, time, and voting place or places at which
 15 the election will be held.
 16 ~~(f)~~ **(d)** ~~An election referred to in~~ **An election referred to in at which a public**
 17 **question is submitted to the voters under** subsection (a) is under the
 18 direction of the county election board in the county. ~~The election board~~
 19 ~~shall take all steps necessary to carry out the special election. If the~~
 20 ~~special election is not conducted at a primary or general election, the~~
 21 ~~cost of conducting the election is:~~
 22 ~~(1) charged to each component school corporation embraced in~~
 23 ~~the community school corporation in the same proportion as the~~
 24 ~~component school corporation's assessed valuation is to the total~~
 25 ~~assessed valuation of the community school corporation; and~~
 26 ~~(2) paid:~~
 27 ~~(A) from the school corporation's operations fund not~~
 28 ~~otherwise appropriated of; and~~
 29 ~~(B) without appropriation by;~~
 30 ~~each component school corporation.~~
 31 ~~If a component school corporation is to be divided and its territory~~
 32 ~~assigned to two (2) or more community corporations, the component~~
 33 ~~school corporation's cost of the special election is in proportion to the~~
 34 ~~corporation's assessed valuation included in the community school~~
 35 ~~corporation.~~
 36 ~~(g)~~ **(e)** The county election board shall place the public question on
 37 the ballot in the form prescribed by IC 3-10-9-4. The public question
 38 must state "Shall the (here insert name) community school corporation
 39 be formed as provided in the Reorganization Plan of the County
 40 Committee for the Reorganization of School Corporations?". Except as
 41 otherwise provided in this chapter, the election is governed by IC 3.
 42 ~~(h)~~ **(f)** If a majority of the votes cast at a ~~special election referred to~~



1 in subsection (a) on the public question are in favor of the formation of
 2 the corporation, a community school corporation is created and takes
 3 effect on the earlier of:

4 ~~(1) the July 1; or~~

5 ~~(2) the January 1~~

6 that next follows the date of publication of the notice referred to in
 7 subsection (d): **following the election.**

8 ~~(i) (g)~~ If a public official fails to perform a duty required of the
 9 official under this section within the time prescribed in this section, the
 10 omission does not invalidate the proceedings taken under this section.

11 ~~(j) (h)~~ An action:

12 (1) to contest the validity of the formation or creation of a
 13 community school corporation under this section;

14 (2) to declare that a community school corporation:

15 (A) has not been validly formed or created; or

16 (B) is not validly existing; or

17 (3) to enjoin the operation of a community school corporation;
 18 may not be instituted later than thirty (30) days after the date of the
 19 special election referred to in subsection (a).

20 SECTION 3. IC 20-23-4-23, AS ADDED BY P.L.1-2005,
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 23. (a) If a proposal for the formation of a
 23 community school corporation is rejected by the voters at the special
 24 election provided for in this chapter, the county committee shall:

25 (1) subject to subsection (b), devise a new plan of reorganization
 26 considered more acceptable to the electors of the territory
 27 affected; or

28 (2) subject to subsection (c), direct the county election board or
 29 boards to resubmit the same plan rejected by the voters.

30 (b) The county committee shall submit a new plan devised under
 31 subsection (a)(1) to the state board for the state board's approval not
 32 later than six (6) months after the date of the special election at which
 33 the proposal was rejected, subject to the same conditions and
 34 requirements concerning extensions of time and other matters provided
 35 in this chapter. If the new plan is approved by the state board, the
 36 procedures of this chapter for the creation of a community school
 37 corporation must be followed.

38 (c) The county committee may direct the county election board or
 39 boards to resubmit the plan referred to in subsection (a)(2) at a special
 40 election to be held not later than six (6) months after the special
 41 election at which the proposal was rejected. If a primary or general
 42 election for state offices is to be held not later than six (6) months after



1 the special election at which the proposal was rejected; the special
 2 election must be held in conjunction with the primary or general
 3 election: **the next election at which a public question may be placed**
 4 **on the ballot under IC 3-10-9-3(b).** The judge of the circuit court
 5 shall give notice by publication of the ~~special~~ election on request of the
 6 county committee. The ~~special~~ election is held in the same manner
 7 required for the holding of a ~~special an~~ election under section 21 of this
 8 chapter. ~~Officials concerned shall take all actions necessary to conduct~~
 9 ~~the special election as required under section 21 of this chapter.~~

10 SECTION 4. IC 20-23-6-5, AS AMENDED BY P.L.152-2021,
 11 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2024]: Sec. 5. (a) If a petition is filed in one (1) or more of the
 13 school corporations protesting consolidation as provided in this chapter
 14 by the legal voters of any school corporation the governing body of
 15 which proposes to consolidate, the governing body in each school
 16 corporation in which a protest petition is filed shall certify the public
 17 question to each county election board of the county in which the
 18 school corporation is located. The county election board shall ~~call an~~
 19 **election of place a public question on the ballot at the next election**
 20 **permitted under IC 3-10-9-3(b) asking** the voters of the school
 21 corporation ~~to determine~~ if a majority of the legal voters of the
 22 corporation is in favor of consolidating the school corporations.

23 (b) If a protest is filed in more than one (1) school corporation, the
 24 elections shall be held on the same day. Each county election board
 25 shall give notice by publication once each week for two (2) consecutive
 26 weeks:

27 (1) with each notice by publication in a newspaper of general
 28 circulation in the school corporation, or, if a newspaper is not
 29 published in the:

- 30 (A) township;
 31 (B) town; or
 32 (C) city;

33 the notice shall be published in the nearest newspaper published
 34 in the county or counties; or

35 (2) with the first publication of notice in the newspaper or
 36 newspapers as provided in subdivision (1) and the second
 37 publication of notice:

- 38 (A) in accordance with IC 5-3-5; and
 39 (B) on the official ~~web site~~ **website** of the school corporation.

40 Each notice shall state that ~~on a day and at an hour to be named in the~~
 41 ~~notice, the polls will be open at the usual voting places in the various~~
 42 ~~precincts in the corporation for taking the vote of the legal a public~~



1 **question will be on the ballot asking the** voters ~~upon~~ whether the
 2 school corporation shall be consolidated with the other school
 3 corporations joining in the resolution.

4 (c) The public question shall be placed on the ballot in the form
 5 provided by IC 3-10-9-4 and must state: "Shall (insert name of school
 6 corporation) be consolidated with (insert names of other school
 7 corporations)?".

8 (d) Notice shall be given not later than thirty (30) days ~~after the~~
 9 ~~petition is filed. The election shall be held not less than ten (10) days~~
 10 ~~or more than twenty (20) days after the last publication of the notice.~~
 11 **before the date of the election.**

12 (e) The governing body of each school corporation in which an
 13 election is held is bound by the majority vote of those voting. ~~However,~~
 14 ~~if the election falls within a period of not more than six (6) months~~
 15 ~~before a primary or general election; the election shall be held~~
 16 ~~concurrently with the primary or general election if the public question~~
 17 ~~is certified to the county election board not later than the deadline set~~
 18 ~~forth in IC 3-10-9-3.~~

19 (f) If a majority of those voting in any one (1) school corporation
 20 votes against the plan of consolidation, the plan fails. However, the
 21 failure does not prevent any or all the school corporations from taking
 22 further initial action for the consolidation of school corporations under
 23 this chapter.

24 SECTION 5. IC 20-23-6-6, AS AMENDED BY P.L.43-2021,
 25 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2024]: Sec. 6. (a) ~~On the day and hour named in the notice~~
 27 ~~filed under section 5 of this chapter; polls shall be opened and the votes~~
 28 ~~of the registered voters shall be taken upon the public question of~~
 29 ~~consolidating school corporations. The election at which the public~~
 30 ~~question is placed on the ballot under section 5 of this chapter shall~~
 31 ~~be governed by IC 3, except as provided in this chapter.~~

32 (b) The county election board shall conduct the election. ~~The public~~
 33 ~~question shall be placed on the ballot in the form prescribed by~~
 34 ~~IC 3-10-9-4 and must state "Shall (here insert the names of the school~~
 35 ~~corporations that the resolution proposes to consolidate) be~~
 36 ~~consolidated into a consolidated school corporation?".~~

37 (c) A brief statement of the provisions in the resolution for
 38 appointment or election of a governing body may be placed on the
 39 ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes
 40 cast for and against the consolidation of the school corporations shall
 41 be filed with:

42 (1) the governing body of the school corporations subject to the



1 election;
 2 (2) the secretary of education; and
 3 (3) the county recorder of each county in which a consolidated
 4 school corporation is located;
 5 together with a copy of the resolution.

6 (d) If a majority of the votes cast at each of the elections is in favor
 7 of the consolidation of two (2) or more school corporations, the trustees
 8 of the school corporations shall proceed to consolidate the schools and
 9 provide the necessary buildings and equipment. In any school
 10 corporation where a petition was not filed and an election was not held,
 11 the failure on the part of the voters to file a petition for an election shall
 12 be considered to give the consent of the voters of the school
 13 corporation to the consolidation as set out in the resolution.

14 ~~(e) If the special election is not conducted at a primary or general~~
 15 ~~election, the expense of the election shall be borne by the school~~
 16 ~~corporation or each of the school corporations subject to the election~~
 17 ~~and shall be paid out of the school corporation's operations fund.~~

18 SECTION 6. IC 20-23-7-2, AS AMENDED BY P.L.244-2017,
 19 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2024]: Sec. 2. (a) In any county or adjoining counties at least
 21 two (2) school corporations, including school towns, school cities,
 22 consolidated school corporations, joint schools, metropolitan school
 23 districts, township school districts, or community school corporations,
 24 regardless of whether the consolidating school corporations are of the
 25 same or of a different character, may consolidate into one (1)
 26 metropolitan school district. Subject to subsection (h), the
 27 consolidation must be initiated by following either of the following
 28 procedures:

29 (1) The board of school trustees, board of education, or other
 30 governing body (the board or other governing body is referred to
 31 elsewhere in this section as the "governing body") of each school
 32 corporation to be consolidated shall:

33 (A) adopt substantially identical resolutions providing for the
 34 consolidation; and

35 (B) publish a notice setting out the text of the resolution one
 36 (1) time under IC 5-3-1.

37 The resolution must set forth any provision for staggering the
 38 terms of the board members of the metropolitan school district
 39 elected under this chapter. If, not more than thirty (30) days after
 40 publication of the resolution, a petition of protest, signed by at
 41 least twenty percent (20%) of the registered voters residing in the
 42 school corporation is filed with the clerk of the circuit court of



1 each county where the voters who are eligible to sign the petition
 2 reside, a referendum election shall be held as provided in
 3 subsection (c).

4 (2) Instead of the adoption of substantially identical resolutions in
 5 each of the proposed consolidating school corporations under
 6 subdivision (1), a referendum election under subsection (c) shall
 7 be held on the occurrence of all of the following:

8 (A) At least twenty percent (20%) of the registered voters
 9 residing in a particular school corporation sign a petition
 10 requesting that the school corporation consolidate with another
 11 school corporation (referred to in this subsection as "the
 12 responding school corporation").

13 (B) The petition described in clause (A) is filed with the clerk
 14 of the circuit court of each county where the voters who are
 15 eligible to sign the petition reside.

16 (C) Not more than thirty (30) days after the service of the
 17 petition by the clerk of the circuit court to the governing body
 18 of the responding school corporation under subsection (b) and
 19 the certification of signatures on the petition occurs under
 20 subsection (b), the governing body of the responding school
 21 corporation adopts a resolution approving the petition and
 22 providing for the consolidation.

23 (D) An approving resolution has the same effect as the
 24 substantially identical resolutions adopted by the governing
 25 bodies under subdivision (1), and the governing bodies shall
 26 publish the notice provided under subdivision (1) not more
 27 than fifteen (15) days after the approving resolution is adopted.
 28 However, if a governing body that is a party to the
 29 consolidation fails to publish notice within the required fifteen
 30 (15) day time period, a referendum election still must be held
 31 as provided in subsection (c).

32 If the governing body of the responding school corporation does
 33 not act on the petition within the thirty (30) day period described
 34 in clause (C), the governing body's inaction constitutes a
 35 disapproval of the petition request. If the governing body of the
 36 responding school corporation adopts a resolution disapproving
 37 the petition or fails to act within the thirty (30) day period, a
 38 referendum election as described in subsection (c) may not be
 39 held and the petition requesting the consolidation is defeated.

40 (b) Any petition of protest under subsection (a)(1) or a petition
 41 requesting consolidation under subsection (a)(2) must show in the
 42 petition the date on which each person has signed the petition and the



1 person's residence on that date. The petition may be executed in several
 2 counterparts, the total of which constitutes the petition. Each
 3 counterpart must contain the names of voters residing within a single
 4 county and shall be filed with the clerk of the circuit court of the
 5 county. Each counterpart must have attached to it the affidavit of the
 6 person circulating the counterpart that each signature appearing on the
 7 counterpart was affixed in that person's presence and is the true and
 8 lawful signature of each person who made the signature. Any signer
 9 may file the petition or any counterpart of the petition. Each signer on
 10 the petition may before and may not after the filing with the clerk
 11 withdraw the signer's name from the petition. A name may not be
 12 added to the petition after the petition has been filed with the clerk.
 13 After the receipt of any counterpart of the petition, each circuit court
 14 clerk shall certify:

- 15 (1) the number of persons signing the counterpart;
- 16 (2) the number of persons who are registered voters residing
- 17 within that part of the school corporation located within the
- 18 clerk's county, as disclosed by the voter registration records in the
- 19 office of the clerk or the board of registration of the county, or
- 20 wherever registration records may be kept;
- 21 (3) the total number of registered voters residing within the
- 22 boundaries of that part of the school corporation located within
- 23 the county, as disclosed in the voter registration records; and
- 24 (4) the date of the filing of the petition.

25 Certification shall be made by each clerk of the circuit court not more
 26 than thirty (30) days after the filing of the petition, excluding from the
 27 calculation of the period any time during which the registration records
 28 are unavailable to the clerk, or within any additional time as is
 29 reasonably necessary to permit the clerk to make the certification. In
 30 certifying the number of registered voters, the clerk of the circuit court
 31 shall disregard any signature on the petition not made within the ninety
 32 (90) days immediately before the filing of the petition with the clerk as
 33 shown by the dates set out in the petition. The clerk of the circuit court
 34 shall establish a record of the certification in the clerk's office and shall
 35 serve the original petition and a copy of the certification on the county
 36 election board under IC 3-10-9-3 and the governing bodies of each
 37 affected school corporation. Service shall be made by mail or manual
 38 delivery to the governing bodies, to any officer of the governing bodies,
 39 or to the administrative office of the governing bodies, if any, and shall
 40 be made for all purposes of this section on the day of the mailing or the
 41 date of the manual delivery.

42 (c) The county election board in each county where the proposed



1 metropolitan school district is located, acting jointly where the
 2 proposed metropolitan school district is created and where it is located
 3 in more than one (1) county, shall cause any referendum election
 4 required under either subsection (a)(1) or (a)(2) to be held in the entire
 5 proposed metropolitan district at a ~~special~~ **the next election permitted**
 6 **under IC 3-10-9-3(b)**. ~~The special election shall be not less than sixty~~
 7 ~~(60) days and not more than ninety (90) days after the service of the~~
 8 ~~petition of protest and certification by each clerk of the circuit court~~
 9 ~~under subsection (a)(1) or (a)(2) or after the occurrence of the first~~
 10 ~~action requiring a referendum under subsection (a)(2):~~ However, if a
 11 primary or general election at which county officials are to be
 12 nominated or elected; or at which city or town officials are to be elected
 13 in those areas of the proposed metropolitan school district that are
 14 within the city or town; is to be held after the sixty (60) days and not
 15 more than six (6) months after the service or the occurrence of the first
 16 action, each election board may hold the referendum election with the
 17 primary or general election.

18 (d) Notice of the ~~special~~ election shall be given by each election
 19 board by publication under IC 5-3-1.

20 (e) Except where it conflicts with this section or cannot be
 21 practicably applied, IC 3 applies to the conduct of the referendum
 22 election. ~~If the referendum election is not conducted at a primary or~~
 23 ~~general election, the cost of conducting the election shall be charged to~~
 24 ~~each component school corporation included in the proposed~~
 25 ~~metropolitan school district in the same proportion as its assessed~~
 26 ~~valuation bears to the total assessed valuation of the proposed~~
 27 ~~metropolitan school district and shall be paid from the operations fund~~
 28 ~~of each component school corporation not otherwise appropriated;~~
 29 ~~without appropriation.~~

30 (f) The question in the referendum election shall be placed on the
 31 ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the
 32 school corporations of _____ be formed into one (1) metropolitan
 33 school district under IC 20-23-7?" (in which blanks the respective
 34 name of the school districts concerned will be inserted).

35 (g) If:

- 36 (1) a protest petition with the required signatures is not filed after
 37 the adoption of substantially identical resolutions of the governing
 38 bodies providing for or approving the consolidation as described
 39 in subsection (a)(1); or
 40 (2) a referendum election occurs in the entire proposed
 41 metropolitan district and a majority of the voters in each proposed
 42 consolidating school corporation vote in the affirmative;



1 a metropolitan school district is created and comes into existence in the
 2 territory subject to the provisions and under the conditions described
 3 in this chapter. The boundaries include all of the territory within the
 4 school corporations, and it shall be known as "Metropolitan School
 5 District of _____, Indiana" (the name of the district concerned will
 6 be inserted in the blank). The name of the district shall be decided by
 7 a majority vote of the metropolitan governing board of the metropolitan
 8 school district at the first meeting. The metropolitan governing board
 9 of the new metropolitan school district shall be composed and elected
 10 under this chapter. The failure of any public official or body to perform
 11 any duty within the time provided in this chapter does not invalidate
 12 any proceedings taken by that official or body, but this provision shall
 13 not be construed to authorize a delay in the holding of a referendum
 14 election under this chapter.

15 (h) If the governing body of a school corporation is involved in a
 16 consolidation proposal under subsection (a)(1) or (a)(2) that fails to
 17 result in a consolidation, the:

- 18 (1) governing body of the school corporation may not initiate a
- 19 subsequent consolidation with another school corporation under
- 20 subsection (a)(1); and
- 21 (2) residents of the school corporation may not file a petition
- 22 requesting a consolidation with another school corporation under
- 23 subsection (a)(2);

24 for one (1) year after the date on which the prior consolidation proposal
 25 failed.

26 SECTION 7. IC 20-23-8-14, AS ADDED BY P.L.1-2005,
 27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2024]: Sec. 14. (a) Not more than ten (10) days after a
 29 governing body has:

- 30 (1) initiated;
- 31 (2) approved; or
- 32 (3) disapproved;

33 a plan initiated by the petition filed with it, the governing body shall
 34 publish a notice one (1) time in a newspaper of general circulation in
 35 the county of the school corporation. If a newspaper of general
 36 circulation is not published in the county of the school corporation, the
 37 governing body shall publish a notice one (1) time in a newspaper of
 38 general circulation published in a county adjoining the county of the
 39 school corporation.

40 (b) The notice must set out the text of a plan initiated by the
 41 governing body or another plan filed with the governing body before
 42 the preparation of the notice. The notice must also state the right of a



1 voter, as provided in this section, to file a petition for alternative plans
 2 or a petition protesting the adoption of a plan or plans to which the
 3 notice relates.

4 (c) If the governing body fails to publish a notice required by this
 5 section, the governing body shall, not more than five (5) days after the
 6 expiration of the ten (10) day period for publication of notice under this
 7 section, submit the petition that has been filed with the clerk to the
 8 state board, whether or not the plan contained in the petition or the
 9 petition meets the requirements of this chapter.

10 (d) Not later than one hundred twenty (120) days after the
 11 publication of the notice, voters of the school corporation may file with
 12 the clerk a petition protesting a plan initiated or approved by the
 13 governing body or a petition submitting an alternative plan as follows:

14 (1) A petition protesting a plan shall be signed by at least twenty
 15 percent (20%) of the voters of the school corporation or five
 16 hundred (500) voters of the school corporation, whichever is less.

17 (2) A petition submitting an alternative plan shall be signed by at
 18 least twenty percent (20%) of the voters of the school corporation.

19 A petition filed under this subsection shall be certified by the clerk and
 20 shall be filed with the governing body in the same manner as is
 21 provided for a petition in section 11 of this chapter.

22 (e) The governing body or the voters may not initiate or file
 23 additional plans until the plans that were published in the notice or
 24 submitted as alternative plans not later than one hundred twenty (120)
 25 days after the publication of the notice have been disposed of by:

26 (1) adoption;

27 (2) defeat at a ~~special an~~ election held under section 16 of this
 28 chapter; or

29 (3) combination with another plan by the state board under
 30 section 15 of this chapter.

31 SECTION 8. IC 20-23-8-16, AS ADDED BY P.L.1-2005,
 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2024]: Sec. 16. (a) If:

34 (1) the governing body has disapproved a plan submitted;

35 (2) an alternative plan has been filed; or

36 (3) a petition of protest has been filed;

37 the county election board shall hold a ~~special an~~ election at a **on the**
 38 **next date permitted under IC 3-10-9-3(b) to be determined by the**
 39 **county election board not more than ninety (90) days** after the receipt
 40 of the determination of the state board on a plan in the form certified
 41 by the state board.

42 (b) If a ~~special~~ election under subsection (a) can be held not more



1 than six (6) months after the receipt of the determination from the state
 2 board in conjunction with a primary or general election at which:

- 3 (1) county officials are to be elected or nominated; or
- 4 (2) city or town officials are to be elected in those areas of the
 5 school corporations that are within the city or town;

6 the county election board may delay the special election until the date
 7 of the regular election.

8 (e) **(b) Subject to IC 3-10-9-3(b)**, if a school corporation is located
 9 in more than one (1) county, the county election board of the county
 10 containing the greatest percentage of population of the school
 11 corporation shall determine the date of an election held under this
 12 section.

13 SECTION 9. IC 20-23-8-18, AS AMENDED BY P.L.244-2017,
 14 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 18. (a) The county election board shall give notice
 16 of an election under section 16 of this chapter after receiving the form
 17 of notice and ballot from the clerk. The county election board shall
 18 publish notice one (1) time in two (2) newspapers of general circulation
 19 in the school corporation, or if only one (1) newspaper is of general
 20 circulation, then in that newspaper. The publication may not be made
 21 less than ten (10) days nor more than forty-five (45) days before the
 22 election. Any other notice of the election or requirement for the time of
 23 printing ballots, whether prescribed by IC 3 or otherwise, is not
 24 required to be given or observed. A person may not vote at the ~~special~~
 25 election unless the person is then qualified as a registered voter.

26 (b) IC 3 applies to the conduct of an election under this chapter,
 27 except if the provisions of this chapter are in conflict with provisions
 28 of IC 3 or if IC 3 cannot be practicably applied.

29 (c) ~~If the special election is not conducted at a primary or general
 30 election, the school corporation shall pay the cost of conducting the
 31 election from the school corporation's operations fund not otherwise
 32 appropriated without appropriation.~~

33 SECTION 10. IC 20-23-8-19, AS ADDED BY P.L.1-2005,
 34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2024]: Sec. 19. (a) A plan shall be adopted in the following
 36 circumstances:

- 37 (1) At the expiration of one hundred twenty (120) days after the
 38 publication of notice by the governing body if:
 - 39 (A) the governing body has initiated or approved the plan;
 - 40 (B) a petition has not been filed either protesting the plan or
 41 setting forth an alternative plan; and
 - 42 (C) the state board has reviewed and certified the plan.



- 1 (2) If only one (1) plan is on the ballot and it receives more
- 2 affirmative than negative votes, the plan is adopted at the
- 3 expiration of thirty (30) days following the ~~special~~ election.
- 4 (3) If more than one (1) plan is on the ballot, the plan receiving
- 5 the most votes is adopted at the expiration of thirty (30) days after
- 6 the ~~special~~ election.
- 7 (b) The plan is effective:
- 8 (1) at the time provided in the plan; or
- 9 (2) if a time is not provided or if the time provided is inapplicable
- 10 due to the lapse of time of the proceedings under this chapter,
- 11 either on the January 1 or July 1 following the time of adoption of
- 12 the plan.

13 SECTION 11. IC 20-23-8-25, AS AMENDED BY P.L.244-2017,
 14 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 25. (a) In implementing a plan adopted under this
 16 chapter, requiring the holding of a ~~special an~~ election, the county
 17 election board, or county election boards in the case of a multicounty
 18 school corporation, shall hold, manage, and supervise a ~~special the~~
 19 election.

20 (b) The county election board shall pay the costs of a ~~special the~~
 21 election.

22 (c) A school corporation shall reimburse the county election board
 23 from the school corporation's operations fund money not otherwise
 24 appropriated, without appropriation, if a ~~special an~~ election occurs
 25 under this chapter.

26 SECTION 12. IC 20-26-7-18, AS AMENDED BY P.L.250-2023,
 27 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2024]: Sec. 18. (a) Subject to IC 5-1-11.5, a school
 29 corporation may issue and sell bonds under the general statutes
 30 governing the issuance of bonds to purchase and improve buildings or
 31 lands, or both. **Subject to subsection (b),** all laws relating to approval
 32 (if required) in a local public question under IC 6-1.1-20, the filing of
 33 petitions, remonstrances, and objecting petitions, giving notices of the
 34 filing of petitions, the determination to issue bonds, and the
 35 appropriation of the proceeds of the bonds are applicable to the
 36 issuance of bonds under section 17 of this chapter.

37 **(b) Notwithstanding IC 6-1.1-20-3.6(e), a local public question**
 38 **described in subsection (a) concerning the issuance or sale of bonds**
 39 **by a school corporation may be placed on the ballot only at an**
 40 **election permitted under IC 3-10-9-3(b).**

41 SECTION 13. IC 20-46-1-14, AS AMENDED BY P.L.227-2023,
 42 SECTION 135, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2024]: Sec. 14. (a) The referendum shall be
 2 held in the next ~~primary election, general election, or municipal~~
 3 election **permitted under IC 3-10-9-3(b)** in which all the registered
 4 voters who are residents of the appellant school corporation are entitled
 5 to vote after certification of the question. ~~under IC 3-10-9-3~~. The
 6 certification of the question must occur not later than noon

7 (1) ~~seventy-four (74) days before a primary election if the~~
 8 ~~question is to be placed on the primary or municipal primary~~
 9 ~~election ballot; or~~

10 (2) August 1. if the question is to be placed on the general or
 11 municipal election ballot.

12 (b) However, if a ~~primary election, general election, or municipal~~
 13 ~~election will not be held during the first year in which the public~~
 14 ~~question is eligible to be placed on the ballot under this chapter and if~~
 15 ~~the appellant school corporation requests the public question to be~~
 16 ~~placed on the ballot at a special election, the public question shall be~~
 17 ~~placed on the ballot at a special election to be held on the first Tuesday~~
 18 ~~after the first Monday in May or November of the year. The~~
 19 ~~certification must occur not later than noon:~~

20 (1) ~~seventy-four (74) days before a special election to be held in~~
 21 ~~May (if the special election is to be held in May); or~~

22 (2) ~~on August 1 (if the special election is to be held in~~
 23 ~~November).~~

24 (c) If the referendum is not conducted at a ~~primary election, general~~
 25 ~~election, or municipal election, the appellant school corporation in~~
 26 ~~which the referendum is to be held shall pay all the costs of holding the~~
 27 ~~referendum.~~

28 SECTION 14. IC 20-46-9-14, AS AMENDED BY P.L.227-2023,
 29 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2024]: Sec. 14. (a) The referendum shall be
 31 held in the next ~~primary election, general election, or municipal~~
 32 election **permitted under IC 3-10-9-3(b)** in which all the registered
 33 voters who are residents of the school corporation are entitled to vote
 34 after certification of the question. ~~under IC 3-10-9-3~~. The certification
 35 of the question must occur not later than noon

36 (1) ~~seventy-four (74) days before a primary election if the~~
 37 ~~question is to be placed on the primary or municipal primary~~
 38 ~~election ballot; or~~

39 (2) August 1. if the question is to be placed on the general or
 40 municipal election ballot.

41 (b) However, if a ~~primary election, general election, or municipal~~
 42 ~~election will not be held during the first year in which the public~~



1 question is eligible to be placed on the ballot under this chapter and if
2 the school corporation requests the public question to be placed on the
3 ballot at a special election, the public question shall be placed on the
4 ballot at a special election to be held on the first Tuesday after the first
5 Monday in May or November of the year. The certification must occur
6 not later than noon:
7 (1) ~~seventy-four (74) days before a special election to be held in~~
8 ~~May (if the special election is to be held in May); or~~
9 ~~(2) August 1 (if the special election is to be held in November).~~
10 (c) If the referendum is not conducted at a primary election, general
11 election, or municipal election, the school corporation in which the
12 referendum is to be held shall pay all the costs of holding the
13 referendum.

