



# Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Ninth Day

Thursday Morning

February 4, 2021

The invocation was offered by Chaplain Matt Barnes of the Public Servant's Prayer.

The House convened at 10:00 a.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Harris.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry <input type="checkbox"/>	Miller
Clere	Moed
Cook	Morris <input type="checkbox"/>
Davis	Morrison <input type="checkbox"/>
Davisson	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak	Olthoff
Eberhart	Pack
Ellington	Payne
Engleman	Pfaff
Errington	Pierce
Fleming	Porter
Frye	Prescott
GiaQuinta	Pressel
Goodrich	Pryor
Gore	Rowray
Gutwein	Saunders
Hamilton <input type="checkbox"/>	Schaibley
Harris	Shackleford
Hatcher	Slager
Hatfield	Smaltz
Heaton	Smith, V.
Heine	Snow
Hostettler	Soliday
Jackson	Speedy
Jacob	Steuerwald
Jeter	Sullivan
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr  
VanNatter  
Vermilion  
Wesco

J. Young  
Zent  
Ziemke  
Mr. Speaker

Roll Call 57: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 8, 2021, at 2:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1030, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete line 16.

Page 1, line 17, delete "(6)" and insert "(5)".

(Reference is to HB 1030 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

ZENT, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1064, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-33-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Decatur County constitutes the sixty-ninth judicial circuit.

**(b) The judge of the Decatur circuit court and the judge of the Decatur superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.**

**(c) The magistrate continues in office until removed by the judge of the Decatur circuit court and the judge of the Decatur superior court.**

SECTION 2. IC 33-33-18-2, AS AMENDED BY P.L.138-2020, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The Delaware circuit court is a court of general jurisdiction with ~~six (6)~~ **five (5)** judges. The divisions of the court shall be known as Delaware circuit court No. 1, No. 2, No. 3, No. 4, **and** No. 5. ~~and No. 6:~~ The county of Delaware constitutes the judicial district of the court and each of the court's divisions. The court

shall maintain the following dockets:

- (1) Small claims.
- (2) Minor offenses and violations.
- (3) Criminal.
- (4) Juvenile.
- (5) Civil.
- (6) Probate.

(b) The assignment of judges of the court to the dockets specified in subsection (a) shall be by rule of the court.

SECTION 3. IC 33-33-18-2.1 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 2.1. (a) Notwithstanding section 2 of this chapter, Delaware circuit court No. 6 is established January 1, 2023.~~

- ~~(b) The first judge of Delaware circuit court No. 6 shall:~~
  - ~~(1) be elected at the November 2022 general election;~~
  - ~~(2) take office January 1, 2023; and~~
  - ~~(3) serve a term of six (6) years.~~

~~(c) This section expires January 1, 2029.~~

SECTION 4. IC 33-33-29-2, AS AMENDED BY P.L.237-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) There are established ~~six (6)~~ **seven (7)** superior courts of record to be known as the:

- (1) Hamilton superior court No. 1;
- (2) Hamilton superior court No. 2;
- (3) Hamilton superior court No. 3;
- (4) Hamilton superior court No. 4;
- (5) Hamilton superior court No. 5; ~~and~~
- (6) Hamilton superior court No. 6; ~~and~~
- (7) Hamilton superior court No. 7.**

(b) Except as otherwise provided in this chapter, each Hamilton superior court is a standard superior court as described in IC 33-29-1.

(c) Hamilton County constitutes the judicial district of each court."

Page 1, after line 8, begin a new paragraph and insert:

"SECTION 6. IC 33-33-35-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 7. (a) The judges of the Huntington circuit court and Huntington superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.**

**(b) The magistrate continues in office until removed by the judges of the Huntington circuit and superior courts.**

SECTION 7. IC 33-33-45-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The judge of division No. 1, division No. 2, ~~and~~ division No. 3, ~~and~~ **division No. 4** of the court may each appoint one (1) full-time magistrate under IC 33-23-5 to serve as the court requires. A magistrate appointed under this section:

- (1) must be a resident of the county; and
- (2) continues in office until removed by the judge that the magistrate serves.

(b) The appointment of a magistrate under this section must be in writing.

(c) The judge may specifically determine the duties of the magistrate within the limits established under IC 33-23-5.

(d) The county executive shall provide and maintain suitable facilities for the use of the magistrate, including necessary furniture and equipment.

(e) The court shall employ administrative staff necessary to support the functions of the magistrates.

(f) The county fiscal body shall appropriate sufficient funds for the provision of staff and facilities required under this section.

(g) A magistrate is entitled to annual compensation as established under IC 33-23-5-10. The state shall pay the salary set under IC 33-23-5-10.

SECTION 8. IC 33-33-49-32, AS AMENDED BY

P.L.53-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 32. (a) In addition to the magistrate appointed under section 31 of this chapter, the judges of the superior court may, by a vote of a majority of the judges, appoint:

(1) twelve (12) full-time magistrates under IC 33-23-5 after December 31, 2013, and until January 1, 2016, not more than six (6) of whom may be from the same political party;

(2) sixteen (16) full-time magistrates under IC 33-23-5 after December 31, 2015, and until January 1, 2018, not more than eight (8) of whom may be from the same political party;

(3) twenty (20) full-time magistrates under IC 33-23-5 after December 31, 2017, and until January 1, 2020, not more than ten (10) of whom may be from the same political party; ~~and~~

(4) twenty-four (24) full-time magistrates under IC 33-23-5 after December 31, 2019, ~~and until January 1, 2022,~~ not more than twelve (12) of whom may be from the same political party; ~~and~~

**(5) twenty-seven (27) full-time magistrates under IC 33-23-5 after December 31, 2021, not more than fourteen (14) of whom may be from the same political party.**

(b) The magistrates continue in office until removed in accordance with local rule.

(c) A party to a superior court proceeding that has been assigned to a magistrate appointed under this section may request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned. A request under this subsection must be in writing and must be filed with the court:

- (1) in a civil case, not later than:
  - (A) ten (10) days after the pleadings are closed; or
  - (B) thirty (30) days after the case is entered on the chronological case summary, in a case in which the defendant is not required to answer; or
- (2) in a criminal case, not later than ten (10) days after the omnibus date.

Upon a timely request made under this subsection by either party, the magistrate to whom the proceeding has been assigned shall transfer the proceeding back to the superior court judge."

Renumber all SECTIONS consecutively.

(Reference is to HB 1064 as printed January 14, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1065, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1065 as introduced.)

Committee Vote: Yeas 13, Nays 0.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1077, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "manager." and insert "**manager and**

be accompanied by a parent or legal guardian for the duration of the time that the stand is in operation."

Page 2, line 28, delete "manager." and insert **"manager and be accompanied by a parent or legal guardian for the duration of the time that the stand is in operation."**

Page 3, line 22, after "on" insert **"private"**.

Page 4, line 14, delete "manager." and insert **"manager and be accompanied by a parent or legal guardian for the duration of the time that the stand is in operation."**

(Reference is to HB 1077 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MORRIS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1166, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 6-1.1-13-13" and insert "IC 6-1.1-15-20".

Page 1, line 3, delete "13." and insert **"20."**

Page 1, line 3, delete "both".

Page 1, line 4, after "real property" insert **", agricultural property,"**

Page 1, line 5, after "official" insert **","**.

Page 1, delete lines 6 through 7.

Page 1, line 8, delete "that year."

Page 1, line 10, delete "structural" and insert **"substantial"**.

Page 2, line 5, delete "five (5)" and insert **"four (4)"**.

Page 2, line 5, delete "for any reason other" and insert **","**.

Page 2, delete lines 6 through 7.

Page 2, line 8, delete "IC 6-1.1-13-13" and insert **"IC 6-1.1-15-20"**.

(Reference is to HB 1166 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 2.

BROWN, T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1168, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 6.

Page 2, line 20, delete "nine (9)" and insert **"ten (10)"**.

Page 2, line 22, delete "Five (5)" and insert **"Six (6)"**.

Page 2, line 22, after "residents" insert **", or are employed by a business with a nexus in Indiana,"**

Page 2, line 29, after "Center." insert **"One (1) member shall be a member or employee of the Indiana Chamber of Commerce, as recommended to the governor by the Indiana Chamber of Commerce."**

Page 3, line 12, delete "Five (5)" and insert **"Six (6)"**.

Page 3, line 40, delete "determine which" and insert **"identify existing manufacturing competencies within the"**.

Page 3, line 40, delete "facilities" and insert **"and determine how the existing competencies could be leveraged to increase the production of electric vehicles;"**

Page 3, delete line 41.

Page 4, delete lines 15 through 18.

Renumber all SECTIONS consecutively.

(Reference is to HB 1168 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1227, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1227 as printed January 28, 2021.)

Committee Vote: Yeas 24, Nays 0.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1305 as introduced.)

Committee Vote: Yeas 22, Nays 0.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1353, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1353 as introduced.)

Committee Vote: Yeas 14, Nays 7.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1402, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1402 as printed January 26, 2021.)

Committee Vote: Yeas 24, Nays 0.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1466, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1466 as introduced.)

Committee Vote: Yeas 13, Nays 0.

ZENT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1483, has had

the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 22 and 23, begin a new line block indented and insert:

**"(29) "Suspension" means a temporary halt to the purchase of grain from a claimant."**

Page 4, line 23, strike "(29)" and insert "(30)".

Page 4, line 26, strike "(30)" and insert "(31)".

Page 4, line 29, strike "(31)" and insert "(32)".

Page 4, line 37, strike "(32)" and insert "(33)".

Page 8, line 25, delete "before October 1, 2021, and".

Page 8, line 26, delete "thereafter." and insert ". **The agency shall make reasonable efforts to implement any corrective measures identified in the performance review to enhance and improve the agency's auditing practices and procedures. The agency shall make the findings of the performance review available to the board.**"

Page 8, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 3. IC 26-3-7-6.3, AS AMENDED BY P.L.2-2008, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) The grain buyers and warehouse licensing agency license fee fund is established to provide funds for the administration of this chapter. The fund shall be administered by the agency. The fund consists of:

(1) the moisture testing device inspection fees collected under IC 15-11-8-3;

(2) the licensing fees collected under section 6 of this chapter;

**(3) the fines collected under this chapter;**

~~(4)~~ (4) gifts and bequests; and

~~(5)~~ (5) appropriations made by the general assembly.

(b) Expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 12, line 3, delete "shall not" and insert "**may not:**

**(1)**".

Page 12, line 6, delete "grain." and insert "**grain; or**

**(2) transfer the deferred pricing agreement or delayed payment agreement to a new contract beyond one (1) year from the date of delivery of grain."**

Page 13, between lines 27 and 28, begin a new paragraph and insert:

**"(c) If the director or director's designated representative determines that the licensee has not complied with this section, the director shall issue a notice stating that the licensee has thirty (30) days to issue payment for the initial deferred pricing agreement or delayed payment agreement.**

**(d) If a licensee fails to issue payment within thirty (30) days of the notice in subsection (c), the director may impose a fine on the licensee of not more than one thousand dollars (\$1,000). Fines collected under this section must be deposited in the grain buyers and warehouse licensing agency license fee fund established by section 6.3 of this chapter.**

**(e) Notwithstanding section 17.1 of this chapter, if a licensee fails to issue payment within sixty (60) days of the date of the notice in subsection (c), the director may issue a temporary suspension of the licensee for not more than thirty (30) days."**

Page 16, line 17, strike "two" and insert "**three**".

Page 16, line 18, strike "\$250,000" and insert "**\$350,000**".

Page 16, line 29, delete "and".

Page 16, between lines 29 and 30, begin a new line block indented and insert:

**"(7) a performance review of the agency's auditing practices and procedures; and"**

Page 16, line 30, delete "(7)" and insert "(8)".

Page 17, line 1, after "for" insert "

**(1)**".

Page 17, line 1, after "programs" insert "**; and**

**(2) technology software updates and technology support services;"**

Page 17, line 1, beginning with "that" begin a new line blocked left.

Renumber all SECTIONS consecutively.

(Reference is to HB 1483 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

LEHE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1520, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JULY 1, 2021]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-8.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) **Except as provided in subsection (c),** as used in this chapter, "public utility" means a:

(1) public, municipally owned, or cooperatively owned utility; or

(2) joint agency created under IC 8-1-2.2.

(b) As used in this chapter, "public utility service" means the service rendered by a public utility.

**(c) As used in section 13 of this chapter, "public utility" means only those utilities listed in 170 IAC 4-7-2(a) and their successors in interest."**

Page 2, line 26, after "(i)(4)." begin a new line blocked left and insert:

**"For purposes of this subsection, "capacity markets" means the auctions conducted by an appropriate regional transmission organization to determine a market clearing price for capacity based on the planning reserve margin requirements established by the appropriate regional transmission organization."**

Page 7, delete line 20.

Renumber all SECTIONS consecutively.

(Reference is to HB 1520 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SOLIDAY, Chair

Report adopted.

#### HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1025, 1118, 1285, 1418, 1432, 1464 and 1532.

#### ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1039

Representative Judy called down Engrossed House Bill 1039 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 58: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zay, Busch and Garten.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 11:30 a.m. with the Speaker in the Chair.

Upon request of Representative Karickhoff, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 59: 81 present. The Speaker declared a quorum present.

## HOUSE BILLS ON SECOND READING

### House Bill 1079

Representative Zent called down House Bill 1079 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1114

Representative Miller called down House Bill 1114 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1114-1)

Mr. Speaker: I move that House Bill 1114 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new line block indented and insert:

**"(8) A regulation or standard adopted under IC 22-13-2-2 by the fire prevention and building safety commission as part of the statewide code of fire safety laws and building laws."**

(Reference is to HB 1114 as printed February 2, 2021.)

MILLER

Motion prevailed. The bill was ordered engrossed.

### House Bill 1365

Representative Wesco called down House Bill 1365 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1365-11)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 22, line 8, delete "." and insert ":",

Page 22, line 8, strike "Except".

Page 22, line 8, after "Except" begin a new line block indented and insert:

**"(1) by mail;  
(2) before an absentee voter board"**

Page 22, line 8, strike "otherwise".

Page 22, line 9, after "article" delete "," and insert ":",

Page 22, line 9, strike "a voter voting by absentee ballot must vote".

Page 22, line 9, after "must vote" begin a new line block indented and insert:

**"(3)"**.

Page 22, line 11, after "IC 3-6-5.2)" insert ":",

Page 22, line 11, after "or" begin a new line block indented and insert:

**"(4)"**.

Page 23, between lines 1 and 2, begin a new paragraph and insert:

**"SECTION 38. IC 3-11-4-2, AS AMENDED BY P.L.278-2019, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.**

**(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual eligible to assist the voter under IC 3-11-9-2(a) to sign the application on behalf of the voter and add the individual's name to the application. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).**

**(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:**

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.

**(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:**

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- ~~(4) The reason why the individual is entitled to vote an absentee ballot:~~
  - ~~(A) by mail; or~~
  - ~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.~~

~~(5) (4) The voter identification number of the individual.~~

**(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.**

**(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:**

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the individual submitting the application:
  - (A) is ineligible to vote or to cast an absentee ballot; or
  - (B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board or election division not later than:

- (1) noon ten (10) days after the person receives the application; or
- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must include an affidavit with the application. The affidavit must be signed by the individual who received the completed application from the applicant. The affidavit must be in a form prescribed by the election division. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
- (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
- (3) The date (or dates) that the absentee ballot applications attached to the affidavit were received.
- (4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
  - (A) is ineligible to vote or to cast an absentee ballot; or
  - (B) did not properly complete and sign the application.
- (5) A statement that the person is executing the affidavit under the penalties of perjury.
- (6) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit."

Page 27, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 40. IC 3-11-4-18, AS AMENDED BY P.L.100-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail; The county election board shall, at the request of the voter, mail the an official ballot, postage fully prepaid, to the voter at the address stated in the application. Each ballot may be assigned a unique tracking number as prescribed by the election division using IMb Tracing or a similar automated tracking method to provide real-time tracking information for the envelope containing the ballot. As used in this subsection, "IMb Tracing" refers to a real-time mail tracking service offered through the United States Postal Service.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county

voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The election division shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be transmitted:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under IC 3-7-33-5(g) that the applicant is a registered voter.

(d) As required by 52 U.S.C. 21081, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(e) As provided by 52 U.S.C. 21081, when an absentee ballot is transmitted under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots."

Page 37, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 50. IC 3-11-10-24, AS AMENDED BY P.L.278-2019, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.

- (1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
  - (A) a precinct election officer under IC 3-6-6;
  - (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
  - (C) a challenger or pollbook holder under IC 3-6-7; or
  - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.
- (4) The voter is a voter with disabilities.
- (5) The voter is an elderly voter.
- (6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.
- (7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.
- (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- (9) The voter is prevented from voting due to observance

of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open:

~~(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).~~

~~(11) The voter is a member of the military or public safety officer.~~

~~(12) The voter is a serious sex offender (as defined in IC 35-42-4-14(a)).~~

~~(13) The voter is prevented from voting due to the unavailability of transportation to the polls.~~

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the election division. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in IC 3-11.5-4-2."

Renumber all SECTIONS consecutively.

(Reference is to HB 1365 as printed February 2, 2021.)

PFAFF

Upon request of Representatives Pfaff and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 60: yeas 28, nays 66. Motion failed.

Representative Speedy, who had been present, is now excused.

HOUSE MOTION  
(Amendment 1365-1)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 66, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 86. IC 3-12-1-1, AS AMENDED BY P.L.64-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, and 9.5 and ~~13~~ of this chapter, the primary factor to be considered in determining a voter's choice on a ballot is the intent of the voter. If the voter's intent can be determined on the ballot or on part of the ballot, the vote shall be counted for the affected candidate or candidates or on the public question. However, if it is impossible to determine a voter's choice of candidates on a part of a ballot or vote on a public question, then the voter's vote concerning those candidates or public questions may not be counted."

Page 68, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 88. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) This section applies to votes cast by any method.

(b) ~~Except as provided in section 13 of this chapter,~~ A ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer may nevertheless be counted in a proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11 unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented by a party to the proceeding.

(c) The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

SECTION 89. IC 3-12-1-13 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 13. (a) This section applies only to absentee ballots.~~

~~(b) The whole ballot may not be counted unless the ballot is endorsed with the initials of:~~

~~(1) the two (2) members of the absentee voter board under IC 3-11-4-19; IC 3-11-10-25; IC 3-11-10-26; IC 3-11-10-26.3; or IC 3-11-18.1-11; or~~

~~(2) the two (2) appointed members of the county election board (or their designated representatives) under IC 3-11-4-19."~~

Renumber all SECTIONS consecutively.

(Reference is to HB 1365 as printed February 2, 2021.)

ERRINGTON

Upon request of Representatives Errington and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 61: yeas 24, nays 70. Motion failed.

HOUSE MOTION  
(Amendment 1365-8)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 11, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 19. IC 3-8-2-2.5, AS AMENDED BY P.L.201-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

(1) The candidate's name must be printed or typewritten as:

(A) the candidate wants the candidate's name to be certified; and

(B) the candidate's name is permitted to appear under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward, if applicable, and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). The candidate may not claim affiliation with any political party described by IC 3-8-4-1.

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors and each candidate for alternate presidential elector for each presidential elector.

(7) The following statements:

(A) A statement that the candidate has attached either of the following to the declaration:

(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(D) A statement that the candidate:

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

(ii) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subdivision.

(8) A statement as to whether the candidate has:

(A) been a candidate for state, legislative, or local office in a previous primary or general election; and

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

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than

noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

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

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

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) The candidate's signature and telephone number.

**(13) The candidate's signed pledge of consent supporting the peaceful transfer of power regardless of whether or not the candidate is elected to office as described in subsection (i).**

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

(e) A person may not be a write-in candidate in a contest for nomination or for election to a political party office.

(f) A write-in candidate for the office of President or Vice President of the United States must list the following:

(1) The names of the write-in candidate's candidates for presidential elector. A write-in candidate may not list more than the total number of presidential electors to be chosen in Indiana under this subdivision.

(2) The name of the write-in candidate's candidate for each alternate presidential elector for each presidential elector.

(g) The election division shall provide that the form of a declaration of intent to be a write-in candidate includes the following information:

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

**(i) As described in subsection (b)(13), a person is disqualified from assuming or being a candidate for an elected office unless the pledge of consent is signed and filed with the election division. The election division shall do the following:**

**(1) Create the language concerning the pledge of consent that will be included on the consent form.**

**(2) Publish each candidate's signed and notarized pledge of consent on the Internet web site maintained**



**by the election division.**

SECTION 20. IC 3-8-2-7, AS AMENDED BY P.L.74-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

- (1) The candidate's name, printed or typewritten as:
  - (A) the candidate wants the candidate's name to appear on the ballot; and
  - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward, if applicable, and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.
- (4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:
  - (A) The most recent primary election in Indiana in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.
  - (B) The county chairman of:
    - (i) the political party with which the candidate claims affiliation; and
    - (ii) the county in which the candidate resides;
 certifies that the candidate is a member of the political party.

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A) or (B) applies to the candidate. If a candidate claims party affiliation under clause (B), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (B).

- (5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.
- (6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.
- (7) The following statements:

- (A) A statement that the candidate has attached either of the following to the declaration:
  - (i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.
  - (ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

- (B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

- (C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected

office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

- (D) A statement that the candidate:
  - (i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
  - (ii) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

**(E) The candidate's signed pledge of consent supporting the peaceful transfer of power regardless of whether or not the candidate is elected to office as described in subsection (d).**

The candidate must separately initial each of the statements required by this subdivision.

- (8) A statement as to whether the candidate has been a candidate for state, legislative, or local office in a previous primary, municipal, special, or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.
- (9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 4 of this chapter.
- (10) The candidate's signature.
- (b) The election division shall provide that the form of a declaration of candidacy includes the following information:
  - (1) The dates for filing campaign finance reports under IC 3-9.
  - (2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

**(d) As described in subsection (a)(7)(E), a person is disqualified from assuming or being a candidate for an elected office unless the pledge of consent is signed and filed with the election division. The election division shall do the following:**

- (1) Create the language concerning the pledge of consent that will be included on the consent form.**
- (2) Publish each candidate's signed and notarized pledge of consent on the Internet web site maintained by the election division.**

SECTION 21. IC 3-8-2.5-2.5, AS AMENDED BY P.L.169-2015, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.5. (a) A petition of nomination for a school board office must state all of the following:

- (1) The name of each candidate as:
  - (A) the candidate wants the candidate's name to appear on the ballot; and
  - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) The address of each candidate, including the mailing address, if different from the residence address of the candidate.
- (3) The school board office that each candidate seeks.

(4) That each petitioner is a qualified registered voter and desires to be able to vote for the candidates listed on the petition.

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

(1) The candidate's written consent to become a candidate.  
 (2) A statement that the candidate:

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

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

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

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

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

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

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

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

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

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

**(7) The candidate's signed pledge of consent supporting the peaceful transfer of power regardless of whether or not the candidate is elected to office as described in subsection (c).**

**(c) As described in subsection (b)(7), a person is disqualified from assuming or being a candidate for an elected office unless the pledge of consent is signed and filed with the election division. The election division shall do the following:**

**(1) Create the language concerning the pledge of consent that will be included on the consent form.**

**(2) Publish each candidate's signed and notarized pledge of consent on the Internet web site maintained by the election division.**

SECTION 22. IC 3-8-3-1, AS AMENDED BY P.L.278-2019, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This section applies to candidates affiliated with a major political party of the state.

(b) A candidate of a major political party for nomination for the office of President of the United States during the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for the primary election held in the year in which a President is to be elected, shall file with the election division a request that the candidate's name be placed upon the ballot under the label of the political party whose nomination the candidate is seeking.

**(c) A candidate who has filed a request with the election division to place the candidate's name upon the ballot as described in subsection (b) shall sign a pledge of consent on a form prescribed by the election division supporting the peaceful transfer of power regardless of whether or not the candidate is elected to office. A person is disqualified from assuming or being a candidate for an elected office unless the pledge of consent is signed and filed with the election division.**

**(d) As described in subsection (c), the election division shall do the following:**

**(1) Create the language concerning the pledge of consent that will be included on the consent form.**

**(2) Publish each candidate's signed and notarized pledge of consent on the Internet web site maintained by the election division.**

SECTION 23. IC 3-8-5-10.5, AS AMENDED BY P.L.278-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

(1) not earlier than the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4; and

(2) not later than:

(A) noon August 1 before a municipal election if the town nominates its candidates by convention; and

(B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.

(c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.

(d) The declaration of each candidate required by this section must certify the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward, if applicable, and town), county, and state.

(3) The candidate's complete residence address and the candidate's mailing address if the mailing address is different from the residence address.

(4) The majority party candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if one (1) of the following applies:

(A) The most recent primary election in Indiana in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

(B) The county chairman of:

(i) the political party with which the candidate claims affiliation; and

(ii) the county in which the candidate resides;

certifies in writing that the candidate is a member of the political party.

The declaration of candidacy must inform a candidate how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy whether clause (A) or (B) applies to the candidate. If a candidate claims party affiliation under clause (B), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (B).

(5) That the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) That the candidate has attached either of the following to the declaration:

(A) A copy of a statement of economic interests, file

stamped by the office required to receive the statement of economic interests.

(B) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

(7) That the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office.

(8) That the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office.

(9) That the candidate:

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

(B) agrees to comply with the provisions of IC 3-9.

(10) A statement indicating whether or not the candidate: (A) has been a candidate for state, legislative, local, or school board office in a previous primary, municipal, special, or general election; and

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

(11) The candidate's signature.

**(12) The candidate's signed pledge of consent supporting the peaceful transfer of power regardless of whether or not the candidate is elected to office as described in subsection (j).**

(e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:

(1) noon August 1 before the municipal election if the town nominates its candidates by convention; and

(2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

(i) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the

appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

**(j) As described in subsection (d)(12), a person is disqualified from assuming or being a candidate for an elected office unless the pledge of consent is signed and filed with the election division. The election division shall do the following:**

**(1) Create the language concerning the pledge of consent that will be included on the consent form.**

**(2) Publish each candidate's signed and notarized pledge of consent on the Internet web site maintained by the election division.**

SECTION 24. IC 3-8-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) This section applies to a political party:

(1) not qualified to conduct a primary election under IC 3-10; and

(2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

(b) An individual who desires to be nominated for a town office by the political party must file a declaration of candidacy in the same manner as a candidate for nomination by a major political party under section 10.5 of this chapter. If a convention would be required for the political party under section 10 of this chapter, the political party shall conduct a convention to nominate candidates for town office not later than the date for conducting a major party town convention under section 10 of this chapter.

(c) The chairman and secretary of the town convention shall execute, acknowledge, and file a certificate setting forth the nominees of the convention in accordance with section 13 of this chapter.

(d) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6. The consent must be filed with the certificate under subsection (c). An individual who wishes to withdraw as a candidate after nomination by the convention must do so in the manner prescribed by section 14.5 of this chapter.

(e) The circuit court clerk shall file a copy of each certificate and each candidate's consent with the town clerk-treasurer in accordance with section 13 of this chapter.

(f) A candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.

**(g) A candidate who has filed a declaration of candidacy under this section shall sign a pledge of consent on a form prescribed by the election division supporting the peaceful transfer of power regardless of whether or not the candidate is elected to office. A person is disqualified from assuming or being a candidate for an elected office unless the pledge of consent is signed and filed with the election division.**

**(h) As described in subsection (g), the election division shall do the following:**

**(1) Create the language concerning the pledge of consent that will be included on the consent form.**

**(2) Publish each candidate's signed and notarized pledge of consent on the Internet web site maintained by the election division.**

SECTION 25. IC 3-8-6-12, AS AMENDED BY P.L.74-2017, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

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

- (1) The candidate's written consent to become a candidate.
- (2) The following statements:
  - (A) A statement that the candidate has attached either of the following to the petition:
    - (i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.
    - (ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.
  - (B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.
  - (C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.
  - (D) A statement that the candidate:
    - (i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
    - (ii) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

- (A) The candidate receives more than five hundred dollars (\$500) in contributions.
  - (B) The candidate makes more than five hundred dollars (\$500) in expenditures.
- (5) A statement indicating whether or not each candidate:
- (A) has been a candidate for state or local office in a previous primary or general election; and
  - (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.
- (6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.
- (7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the

individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

**(9) The candidate's signed pledge of consent supporting the peaceful transfer of power regardless of whether or not the candidate is elected to office as described in subsection (j).**

(c) The statement required under subsection (b)(7) must:

- (1) be certified by each circuit court clerk; and
- (2) indicate the number of votes cast for secretary of state:
  - (A) at the last election for secretary of state; and
  - (B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

- (1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and
- (2) do one (1) of the following:
  - (A) If the petition includes a sufficient number of signatures, certify the petition.
  - (B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon on the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:

- (1) certify; or
- (2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

(f) The election division shall provide that the form of a petition of nomination includes the following information:

- (1) The dates for filing campaign finance reports under IC 3-9.
- (2) The penalties for late filing of campaign finance reports under IC 3-9.

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

- (1) the county voter registration office's failure to certify, under section 8 of this chapter, qualified petitioners; or
- (2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

**(j) As described in subsection (b)(9), a person is disqualified from assuming or being a candidate for an elected office unless the pledge of consent is signed and filed with the election division. The election division shall do the following:**

- (1) Create the language concerning the pledge of consent that will be included on the consent form.
- (2) Publish each candidate's signed and notarized pledge of consent on the Internet web site maintained

by the election division."

Page 79, between lines 7 and 8, begin a new line block indented and insert:

"(6) The candidate's signed pledge of consent supporting the peaceful transfer of power regardless of whether or not the candidate is elected to office as described in subsection (e)."

Page 79, between lines 9 and 10, begin a new paragraph and insert:

"(e) As described in subsection (d)(6), a person is disqualified from assuming or being a candidate for an elected office unless the pledge of consent is signed and filed with the election division. The election division shall do the following:

(1) Create the language concerning the pledge of consent that will be included on the consent form.

(2) Publish each candidate's signed and notarized pledge of consent on the Internet web site maintained by the election division."

Renumber all SECTIONS consecutively.

(Reference is to HB 1365 as printed February 2, 2021.)

PRYOR

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 62: yeas 24, nays 67. Motion failed.

HOUSE MOTION  
(Amendment 1365-12)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 6, delete lines 17 through 33.

Renumber all SECTIONS consecutively.

(Reference is to HB 1365 as printed February 2, 2021.)

PRYOR

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 63: yeas 29, nays 61. Motion failed.

HOUSE MOTION  
(Amendment 1365-10)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 17, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 27. IC 3-10-4-7, AS AMENDED BY P.L.201-2017, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The presidential electors and alternate presidential electors who are elected at a ~~general election under this chapter or under IC 3-10-4.5, whichever applies~~, shall assemble in the chamber of the Indiana house of representatives on the first Monday after the second Wednesday in December as provided by 3 U.S.C. 7, or on another day fixed by the Congress of the United States, at 10 a.m. to elect the President and Vice President of the United States.

(b) The secretary of state, or an individual designated by the secretary, shall preside at this meeting. The election division shall assist the secretary in conducting the election and in certifying and transmitting the results in accordance with federal law.

(c) As provided by 3 U.S.C. 6, the governor shall deliver to the presidential electors present six (6) duplicate originals of the certificate of ascertainment of appointment of the presidential electors mailed to the Archivist of the United States.

SECTION 28. IC 3-10-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 4.5. Agreement Among the States to Elect the President by National Popular Vote**

**Sec. 1. The Agreement Among the States to Elect the**

**President by National Popular Vote** is enacted and entered into by the state of Indiana with all other states joining the agreement in the form substantially as set forth in section 2 of this chapter.

**Sec. 2. Agreement Among the States to Elect the President by National Popular Vote.**

**Article I: Membership.**

Any state of the United States may become a member of this agreement by enacting this agreement.

**Article II: Right of the People in Member States to Vote for President and Vice President.**

Each member state shall conduct a statewide popular election for President and Vice President of the United States.

**Article III: Manner of Appointing Presidential Electors in Member States.**

Before the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States in which votes have been cast in a statewide popular election and shall add such votes together to produce a national popular vote total for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the national popular vote winner.

The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six (6) days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within twenty-four (24) hours to the chief election official of each other member state.

The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress.

If there is a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state.

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state, and that state's presidential elector certifying official shall certify the appointment of such nominees. The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

This article governs the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

**Article IV: Other Provisions.**

This agreement takes effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this agreement, except that a withdrawal occurring six (6) months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions are not affected.

#### Article V: Definitions.

For purposes of this agreement:

"Chief election official" means the state official or body that is authorized to certify the total number of popular votes for each presidential slate.

"Chief executive" means the governor of a state of the United States or the mayor of the District of Columbia.

"Elector slate" means a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate.

"Presidential elector" means an elector for President and Vice President of the United States.

"Presidential elector certifying official" means the state official or body that is authorized to certify the appointment of the state's presidential electors.

"Presidential slate" means a slate of two (2) persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state.

"State" means a state of the United States and the District of Columbia.

"Statewide popular election" means a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis."

Page 76, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 102. IC 3-12-5-7, AS AMENDED BY P.L.201-2017, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Upon receipt of the certified statements from the circuit court clerks under section 6 of this chapter and not later than noon of the last Tuesday in November, the election division shall tabulate the number of votes cast for each candidate for:

(1) ~~presidential electors and alternate presidential electors;~~

**(1) the President of the United States;**

(2) a state office other than governor and lieutenant governor; and

(3) a local office for which a declaration of candidacy must be filed with the election division under IC 3-8-2.

(b) Immediately following the election division's tabulation, the secretary of state shall certify to the governor **the following:**

**(1) The candidate receiving the highest number of votes for each office.**

**(2) The votes for each of the other candidates for President and Vice President of the United States.**

**(3) The names of the electors and alternate electors for President of the United States determined under IC 3-10-4 or IC 3-10-4.5, whichever applies."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1365 as printed February 2, 2021.)

PIERCE

Motion failed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

The Speaker is now excused.

#### HOUSE MOTION (Amendment 1365-2)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 5, between lines 20 and 21, begin a new paragraph and insert:

**"(c) A paper report of the completed form described in subsection (b) shall be retained by the county election board for inspection for a period of not less than twenty-two (22) months."**

(Reference is to HB 1365 as printed February 2, 2021.)

BOY

Motion failed.

#### HOUSE MOTION (Amendment 1365-3)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 4, between pages 24 and 25, begin a new paragraph and insert:

"SECTION 9. IC 3-6-4.2-14, AS AMENDED BY P.L.141-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards, the boards of registration (subject to IC 3-7-12), and the boards of elections and registration (as defined in IC 3-5-2-5.3) to instruct them regarding all of the following:

(1) Their duties under this title and federal law (including HAVA and NVRA).

(2) Requirements and best practices concerning cybersecurity for the computerized list, voting systems, and electronic poll books.

(3) Physical security for all aspects of the election process, including voting systems, electronic poll books, absentee voting, and polling places.

(4) Requirements and best practices to ensure that voting systems, precinct polling places, and vote centers are accessible to voters with disabilities.

(5) Best practices in answering voters' questions on how to ~~vote~~; **use the voting machine or ballot**, including providing instructions to voters on straight ticket voting.

(b) The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

(c) Each circuit court clerk, each member of a board of registration established under IC 3-7-12, and each member of a board of elections and registration shall attend a meeting called by the election division under this section. A circuit court clerk, member of a board of registration, or member of a board of elections and registration may require the attendance of the following:

(1) Each of the circuit court clerk's, board of registration member's, or board of elections and registration member's appointed and acting chief deputies or chief assistants with election related responsibilities.

(2) If the number of deputies or assistants:

(A) is not more than three (3), one (1) of the clerk's or member's appointed and acting deputies or assistants;

or

(B) is greater than three (3), two (2) of the clerk's or member's appointed and acting deputies or assistants.

(d) The election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

(1) may conduct the meeting before the first day of the year; and

(2) shall conduct the meeting before primary election day. The instructional meeting may not last for more than two (2) days.

(e) Each individual required to attend the meeting under subsection (c) and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following from the county general fund without appropriation:

(1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee.

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status."

Renumber all SECTIONS consecutively.

(Reference is to HB 1365 as printed February 2, 2021.)

BOY

Upon request of Representatives Boy and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 64: yeas 25, nays 61. Motion failed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION  
(Amendment 1365-4)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 9, strike lines 20 through 42.

Page 10, strike lines 1 through 5, begin a new paragraph and insert:

**"(e) If the county voter registration office determines that the voter is described by subsection (d), the county voter registration office may not cancel the voter's registration unless:**

**(1) the voter confirms in writing to the county voter registration office that the voter has changed residence to a place outside the county in which the voter is registered; or**

**(2) both of the following apply to the voter:**

**(A) The voter has failed to respond to a notice described in subsection (f).**

**(B) The voter has not voted or appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the notice.**

**(f) The notice referred to in subsection (e)(2)(A) must be a postage prepaid and pre-addressed return card, sent by forwarded mail, on which the voter may state the voter's current address."**

(Reference is to HB 1365 as printed February 2, 2021.)

BOY

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 65: yeas 26, nays 66. Motion failed.

HOUSE MOTION  
(Amendment 1365-5)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 43, line 6, after "voter" insert "**without viewing the voter's votes**".

(Reference is to HB 1365 as printed February 2, 2021.)

BOY

Motion failed.

HOUSE MOTION  
(Amendment 1365-6)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 43, delete line 7.

Page 43, line 8, delete "." and insert "; and".

Page 43, between lines 8 and 9, begin a new line block indented and insert:

**"(4) if the name of the voter is unknown, cancel the ballot and record it as a spoiled ballot."**

(Reference is to HB 1365 as printed February 2, 2021.)

BOY

Motion failed.

HOUSE MOTION  
(Amendment 1365-7)

Mr. Speaker: I move that House Bill 1365 be amended to read as follows:

Page 50, line 23, delete "variation" and insert "**validation**".

(Reference is to HB 1365 as printed February 2, 2021.)

BOY

Motion failed. The bill was ordered engrossed.

### House Bill 1453

Representative Aylesworth called down House Bill 1453 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1453-3)

Mr. Speaker: I move that House Bill 1453 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

**"SECTION 1. IC 33-33-0.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:**

**Chapter 0.5. Judicial Nominating Commission**

**Sec. 1. This chapter applies to all court systems in each county established under this article.**

**Sec. 2. (a) The judicial nominating commission (referred to in this chapter as the "commission") consists five of (5) voting members, the majority of whom form a quorum. The chief justice of Indiana or the chief justice's designee serves ex officio as a nonvoting member and as the chairperson of the commission.**

**(b) The:**

**(1) governor shall appoint three (3) members to the commission; and**

**(2) county board of commissioners shall appoint two (2) members to the commission.**

**The appointees must reside in the county where there is a judicial vacancy and reflect the composition of the community. If the county board of commissioners fails to appoint any commission members within the time required to do so in section 3 of this chapter, the appointment shall be made by the chairperson of the commission.**

**(c) A member of the commission, other than a judge or justice, may not hold any other elected public office. A member may not hold an office in a political party or organization.**

**(d) A member of the commission is not eligible for appointment to a judicial office in the county seeking to appoint a judicial officer if the member is a member of the commission and for three (3) years thereafter.**

**(e) If any voting member of the commission terminates the member's residence in the county seeking to appoint a judicial officer, the member is considered to have resigned**



from the commission.

Sec. 3. (a) The county board of commissioners shall appoint two (2) members of the commission.

(b) One (1) month before the expiration of a term of office of a commissioner appointed by the county board of commissioners, an appointment or reappointment shall be made in accordance with section 2 of this chapter. All appointments made by the county board of commissioners shall be certified to the secretary of state, the clerk of the supreme court, and the clerk of county circuit court within ten (10) days after the appointment.

(c) Each member appointed by the county board of commissioners shall be appointed for a term of four (4) years.

(d) Whenever a vacancy occurs in the office of a commissioner appointed by the county board of commissioners, the chairperson of the commission shall promptly notify the county board of commissioners in writing of such fact. Vacancies in the office of commissioners appointed by the county board of commissioners shall be filled by appointment of the county board of commissioners within sixty (60) days after notice of the vacancy is received. The term of the commissioner appointed by the county board of commissioners is for the unexpired term of the member whose vacancy the new member has filled.

Sec. 4. After voting members of the commission have been appointed by the governor and the voting members of the commission appointed by the county board of commissioners have been certified to the secretary of state, clerk of the supreme court, and clerk of the county circuit court as this chapter provides, the clerk of the county circuit court shall by regular mail notify the members of the commission of their election or appointment and shall notify the chairperson of the judicial nominating commission of the same.

Sec. 5. A member of the judicial nominating commission may serve until the member's successor is appointed. A voting member of the commission is not eligible for more than two (2) successive reappointments.

Sec. 6. (a) When a vacancy occurs in the superior court of the county, the clerk of the court shall promptly notify the chairperson and each member of the commission of the vacancy. The chairperson shall call a meeting of the commission within ten (10) days following the notice. The commission shall submit its nominations of five (5) candidates for each vacancy and certify them to the governor as promptly as possible, and not later than sixty (60) days after the vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the governor then serving, but the vacancy has not yet occurred, the clerk shall notify the chairperson and each member of the commission immediately of the forthcoming vacancy, and the commission may within fifty (50) days of the notice of the vacancy make its nominations and submit to the governor the names of five (5) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by its chairperson or, if the chairperson fails to call a necessary meeting, upon the call of any three (3) members of the commission. The chairperson, whenever the chairperson considers a meeting necessary, or upon the request by any three (3) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the date, time, and place of every meeting unless the commission at its previous meeting designated the date, time, and place of its next meeting.

(c) Meetings of the commission are to be held at the county government center or another place, as the circuit court clerk of the county may arrange, at the direction of the chairperson of the commission.

(d) The commission may act only at a public meeting.

IC 5-14-1.5 applies to meetings of the commission. The commission may not meet in executive session under IC 5-14-1.5-6.1 for the consideration of a candidate for judicial appointment.

(e) The commission may act only by the concurrence of a majority of its voting members attending a meeting. Three (3) voting members constitute a quorum at a meeting.

(f) The commission may adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties. These rules must provide for the receipt of public testimony concerning the qualifications of candidates for nomination to the governor.

Sec. 7. In selecting the five (5) nominees to be submitted to the governor, the commission shall comply with the following requirements:

(1) The commission shall submit only the names of the five (5) most highly qualified candidates from among all those eligible individuals considered. To be eligible for nomination as a judge of the superior court of the county, a person must be domiciled in the county, a citizen of the United States, and admitted to the practice of law in Indiana.

(2) In abiding by the mandate in subdivision (1), the commission shall evaluate in writing each eligible individual on the following factors:

(A) Law school record, including any academic honors and achievements.

(B) Contribution to scholarly journals and publications, legislative drafting, and legal briefs.

(C) Activities in public service, including:

(i) writings and speeches concerning public or civic affairs that are on public record, including but not limited to campaign speeches or writings, letters to newspapers, and testimony before public agencies;

(ii) government service;

(iii) efforts and achievements in improving the administration of justice; and

(iv) other conduct relating to the individual's profession.

(D) Legal experience, including the number of years of practicing law, the kind of practice involved, and reputation as a trial lawyer or judge.

(E) Probable judicial temperament.

(F) Physical condition, including age, stamina, and possible habitual intemperance.

(G) Personality traits, including the exercise of sound judgment, ability to compromise and conciliate, patience, decisiveness, and dedication.

(H) Membership on boards of directors, financial interests, and any other consideration that might create conflict of interest with a judicial office.

(I) Any other pertinent information that the commission feels is important in selecting the best qualified individuals for judicial office.

(3) These written evaluations shall not be made on an individual until the individual states in writing that the individual desires to hold a judicial office that is or will be created by a vacancy.

(4) The political affiliations of any candidate may not be considered by the commission in evaluating and determining which eligible candidates shall be recommended to the governor for a vacancy on the superior court of the county.

(5) In determining which eligible candidates are recommended to the governor, the commission shall consider that racial and gender diversity enhances the quality of the judiciary.

Sec. 8. (a) The commission shall submit with the list of five (5) nominees to the governor its written evaluation of the qualifications of each candidate.



(b) The names of the nominees and the written evaluations are public records that may be inspected and copied under IC 5-14-3.

(c) Every eligible candidate whose name was not submitted to the governor shall have access to any evaluation on the candidate by the commission and the right to make such evaluation public.

(d) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1 are excepted from public disclosure, unless the records are prepared for use in the consideration of a candidate for judicial appointment.

Sec. 9. (a) After the commission has nominated and submitted to the governor the names of five (5) persons for appointment to fill a vacancy of the superior court of the county:

(1) any name may be withdrawn for cause considered by the commission to be of a substantial nature affecting the nominee's qualifications to hold office; and

(2) another name may be substituted; before the appointment is made to fill the vacancy.

(b) If a nominee dies or requests in writing that the nominee's name be withdrawn, the commission shall nominate another person to replace the nominee.

(c) If two (2) or more vacancies exist, the commission shall nominate and submit to the governor a list of five (5) different persons for each of the vacancies. The commission may, before an appointment is made, withdraw the lists of nominations, change the names of any persons nominated from one (1) list to another, and resubmit them as changed, or may substitute a new name for any of those previously nominated.

Sec. 10. (a) A vacancy occurring on the court shall be filled by appointment of the governor from a list of five (5) nominees presented to the governor by the judicial nominating commission. If the governor fails to make an appointment from the list within sixty (60) days after the day it is presented to the governor, the appointment shall be made by the chief justice or the acting chief justice of Indiana from the same list, or altered list as provided for in section 9 of this chapter.

(b) The governor shall make all appointments to the court without regard to the political affiliation of any of the five (5) nominees submitted to the governor. In the interest of justice, the governor shall consider only those qualifications of the nominees included in section 7 of this chapter.

SECTION 2. IC 33-33-2-32 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 32: (a) There is established a judicial nominating commission for the Allen superior court:

(b) The board of county commissioners of Allen County shall provide all facilities, equipment, supplies, and services necessary for the administration of the duties of the commission:

(c) The members of the commission serve without compensation. However, the board of commissioners shall reimburse members of the commission for actual expenses incurred in performing their duties:

SECTION 3. IC 33-33-2-33 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 33: (a) The judicial nominating commission consists of seven (7) members, the majority of whom shall form a quorum. The chief justice of the supreme court (or a justice of the supreme court or judge of the court of appeals designated by the chief justice) shall be a member and shall act as chairman. Persons who are admitted to the practice of law and who reside in Allen County shall, under sections 35 and 36 of this chapter, elect three (3) members to serve on the commission. The governor shall appoint to the commission three (3) residents of Allen County who are not admitted to the practice of law. However, not more than two (2) of these appointees may be from the same political party. If the governor fails to appoint any of the nonattorney commission members

within the time required under section 34 of this chapter, the appointment shall be made by the chief justice of the supreme court:

(b) A member of the commission other than a judge or justice may not hold any other salaried public office; and a member may not hold an office in a political party or organization. A member of the commission is ineligible for appointment to a judicial office in Allen County while the member is a member of the commission and for three (3) years thereafter. If any member of the commission other than a judge or justice terminates the member's residence in Allen County, the member is considered to have resigned from the commission:

SECTION 4. IC 33-33-2-34 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 34: (a) The governor shall appoint the three (3) nonattorney members of the commission:

(b) One (1) month before the expiration of a term of office of a nonattorney commissioner, the governor shall:

(1) reappoint the commissioner; or

(2) appoint a replacement:

All appointments shall be certified to the secretary of state, the clerk of the supreme court, and the clerk of Allen superior court not more than ten (10) days after the appointment:

(c) After their initial terms, the governor shall appoint each nonattorney commissioner for a term of four (4) years:

(d) When a vacancy occurs in the office of a nonattorney commissioner, the chairman of the commission shall promptly notify the governor in writing of that fact. Vacancies in the office of nonattorney commissioners shall be filled by appointment of the governor not more than sixty (60) days after the governor has notice of the vacancy. The nonattorney commissioner appointed shall serve during the unexpired term of the member whose vacancy the nonattorney commissioner has filled:

SECTION 5. IC 33-33-2-35 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 35: (a) Persons who are admitted to the practice of law and who reside in Allen County (referred to as "attorney electors") shall elect three (3) members to serve on the commission. The term of office of each elected attorney member is four (4) years, commencing on the first day of October following the member's election. The election day is the first Tuesday in September 1983, and every four (4) years thereafter. During the month before the expiration of each attorney commissioner's term of office, an election shall be held to fill the succeeding four (4) year term of office:

(b) Except when a term of office has less than ninety (90) days remaining, vacancies in the office of an attorney commissioner shall be filled for the unexpired term by a special election:

SECTION 6. IC 33-33-2-36 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 36: The attorney members of the commission shall be elected by the following process:

(1) The clerk of the superior court shall, at least ninety (90) days before the date of election, notify all attorneys in Allen County of the election by mail, informing them that nominations must be made to the clerk of the superior court at least sixty (60) days before the election:

(2) A nomination in writing, accompanied by a signed petition of ten (10) attorney electors and the written consent of the qualified nominee, shall be filed by an attorney elector in the office of the clerk at least sixty (60) days before the election:

(3) The clerk shall prepare and print ballots containing the names and residential addresses of all attorney nominees whose written nominations, petitions, and written statements of consent have been received sixty (60) days before the election:

(A) The ballot must read:

"ALLEN SUPERIOR COURT

NOMINATING COMMISSION BALLOT

To be cast by individuals residing in Allen County and

admitted to the practice of law in Indiana. Vote for not more than three (3) of the following candidates for terms commencing

_____	_____
(Name)	(Address)
(Name)	(Address)
(etc.)	(etc.)

To be counted, this ballot must be completed, the accompanying certificate completed and signed, and both together mailed or delivered to the clerk of the Allen Superior Court not later than \_\_\_\_\_.

**DESTROY BALLOT IF NOT USED".**

(B) The three (3) nominees receiving the most votes are elected.

(4) The clerk shall also supply with each ballot distributed by the clerk a certificate, to be completed and signed and returned by the attorney elector voting the ballot, certifying that the attorney elector is admitted to the practice of law in Indiana; that the attorney elector resides in Allen County; and that the attorney elector voted the ballot returned. A ballot not accompanied by the signed certificate of the voter may not be counted.

(5) A separate envelope shall be provided by the clerk for the ballot, in which only the voted ballot is to be placed. This envelope may not be opened until the counting of the ballots.

(6) The clerk of the superior court shall mail a ballot and its accompanying material to all qualified electors at least two (2) weeks before the date of election.

(7) Upon receiving the completed ballots and the accompanying certificates, the clerk shall ensure that the certificates have been completed in compliance with this chapter. All ballots that are accompanied by a valid certificate shall be placed in a package designated to contain ballots. All accompanying certificates shall be placed in a separate package.

(8) The clerk, with the assistance of the Allen County election board, shall open and canvass all ballots after 4 p.m. on the day of the election in the office of the clerk of the Allen superior court. A ballot received after 4 p.m. may not be counted unless the chairman of the judicial nominating commission orders an extension of time because of extraordinary circumstances. Upon canvassing the ballots the clerk shall place all ballots in their package. These, along with the certificates, shall be retained in the clerk's office for six (6) months, and the clerk may not permit anyone to inspect them except upon an order of the court of appeals.

(9) If two (2) or more nominees are tied so that one (1) additional vote cast for one (1) of them would give that nominee a plurality, the canvassers shall resolve the tie by lot, and the winner of the lot is considered to have been elected.

**SECTION 7. IC 33-33-2-37 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 37: After:**

(1) the attorney members of the commission have been elected; and

(2) the names of the nonattorney commissioners appointed by the governor have been certified to the secretary of state, the clerk of the supreme court, and the clerk of Allen superior court;

the superior court clerk shall notify the members of the commission of their election or appointment.

**SECTION 8. IC 33-33-2-38 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 38: (a) A member of the commission shall serve until the member's successor is appointed or elected.**

(b) An attorney commissioner or nonattorney commissioner is not eligible for more than two (2) successive reelections or reappointments.

**SECTION 9. IC 33-33-2-39 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 39: (a) When a judge of the superior court:**

- (1) dies; resigns; is removed from office; or
- (2) is for any reason ineligible to continue or incapable of continuing in office until the end of the judge's term in office;

a judge in another division may not more than thirty (30) days after the vacancy occurs transfer to the vacant position for the remainder of the transferring judge's term. A judge who has made one (1) transfer is ineligible to make any other transfers. If more than one (1) judge desires to transfer, the most senior of these judges is entitled to transfer. After a transfer, or the thirty (30) day period if a transfer is not made, the commission shall meet to nominate three (3) candidates to fill the unexpired term of the vacancy caused by the transferring judge or the original vacancy if a transfer is not made.

(b) The clerk shall promptly notify the members of the commission of a vacancy that the commission must fill under subsection (a); and the chairman shall call a meeting of the commission within ten (10) days following that notice. The commission shall submit its nominations of three (3) candidates for the vacancy and shall certify them to the governor not later than sixty (60) days after the vacancy occurred. When it is known that a vacancy will occur at a definite future date within the term of the governor then serving:

- (1) the clerk shall notify the chairman and each member of the commission immediately; and
- (2) the chairman shall call a meeting of the commission within ten (10) days following that notice.

The commission may then submit its nominations of three (3) candidates for each impending vacancy and shall certify them to the governor.

(c) Meetings of the commission shall be called by its chairman, or, if the chairman fails to call a necessary meeting, upon the call of any four (4) members of the commission. Written notice of a meeting shall be given by mail to each member of the commission at least five (5) days before the meeting, unless the commission at its previous meeting designated the time and place of its next meeting.

(d) Meetings of the commission may be held in the Allen County courthouse or in another public building in Allen County designated by the commission.

(e) The commission shall act only at a meeting and may act only by the concurrence of a majority of its members attending a meeting. The commission may adopt rules for the conduct of its proceedings and the discharge of its duties.

**SECTION 10. IC 33-33-2-40 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 40: In selecting the three (3) nominees to be submitted to the governor, the commission shall comply with the following requirements:**

(1) The commission shall submit only the names of the three (3) most highly qualified candidates from among all those eligible individuals considered. To be eligible for nomination as a judge of the Allen superior court, a person must meet the qualifications listed in section 10 of this chapter.

(2) As an aid in choosing the three (3) most qualified candidates, the commission shall in writing evaluate each eligible individual it considers on the following factors:

- (A) Law school record, including any academic honors and achievements.
- (B) Contributions to scholarly journals and publications, legislative draftings, and legal briefs.
- (C) Activities in public service, including:
  - (i) writings and speeches concerning public or civic affairs that are on public record, including campaign speeches or writing, letters to newspapers, and testimony before public agencies;
  - (ii) government service;
  - (iii) efforts and achievements in improving the administration of justice; and
  - (iv) other conduct relating to the candidate's

profession.

(D) Legal experience; including the number of years practicing law; the kind of practice involved; and reputation as a trial lawyer or judge.

(E) Probable judicial temperament.

(F) Physical condition; including age; stamina; and possible habitual intemperance.

(G) Personality traits; including the exercise of sound judgment; ability to compromise and conciliate; patience; decisiveness; and dedication.

(H) Membership on boards of directors; financial interests; and any other consideration that might create conflict of interest with a judicial office.

(I) Any other pertinent information that the commission feels is important in selecting the best qualified individuals for judicial office.

(3) An individual may not be evaluated before the individual states in writing that the individual desires to hold a judicial office that is or will be created by a vacancy.

(4) The political affiliations of a candidate may not be considered.

SECTION 11. IC 33-33-2-41 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 41: The commission shall submit to the governor; with its list of nominees; its written evaluation of the qualifications of each nominee.

SECTION 12. IC 33-33-2-42 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 42: (a) After the commission has nominated and submitted to the governor the names of three (3) nominees:

(1) a name may be withdrawn for a cause considered by the commission to substantially affect the nominee's qualifications to hold office; and

(2) another name or other names may be substituted at any time before the appointment is made to fill the vacancy.

(b) If a nominee dies or requests in writing that the nominee's name be withdrawn; the commission shall nominate another person to replace the nominee.

(c) If two (2) or more vacancies exist; the commission shall nominate and submit to the governor a list of three (3) different persons for each of the vacancies. Before an appointment is made; the commission may withdraw the lists of nominations and change the names of any persons nominated from one (1) list to another; or may substitute a new name for any of those previously nominated.

SECTION 13. IC 33-33-2-43 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 43: (a) A vacancy created by a superior court judge's departure from office before the expiration of the judge's term in office that is not filled by a transfer under section 39 of this chapter shall be filled by appointment of the governor from the list of nominees. If the governor fails to make an appointment from the list within sixty (60) days after the list is presented to the governor; the appointment shall be made by the chief justice of the supreme court from the same list.

(b) The governor shall make all appointments to the Allen superior court without regard to the political affiliation of any of the nominees and shall consider only those qualifications included in section 40 of this chapter.

SECTION 14. IC 33-33-2-44 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 44: An appointment to the Allen superior court for the remainder of a departing judge's term in office takes effect immediately if a vacancy exists at the date of the appointment. The appointment takes effect on the date the vacancy is created if the vacancy does not yet exist.

SECTION 15. IC 33-33-2-45 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 45: A judge appointed under section 43 of this chapter serves during the unexpired part of the judge's predecessor's term in office.

SECTION 16. IC 33-33-45-27 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 27: (a) There is established

a judicial nominating commission for the superior court of Lake County; the functions; responsibilities; and procedures of which are set forth in sections 28 through 37 of this chapter.

(b) The board of county commissioners of Lake County shall provide all facilities; equipment; supplies; and services as may be necessary for the administration of the duties imposed upon the commission. The members of the commission shall serve without compensation. However; the board of county commissioners of Lake County shall reimburse members of the commission for actual expenses incurred in performing their duties.

SECTION 17. IC 33-33-45-28 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 28: (a) The judicial nominating commission (referred to in this chapter as the commission) consists of nine (9) members; the majority of whom form a quorum. The chief justice of the supreme court (or a justice of the supreme court or judge of the court of appeals designated by the chief justice) shall be a member and shall act as chairman.

(b) Under sections 30 and 31 of this chapter; those admitted to the practice of law and residing in Lake County shall elect four (4) of their members to serve on the commission; subject to the following:

(1) At least one (1) attorney member must be a minority individual (as defined in IC 21-13-1-6);

(2) Two (2) attorney members must be women.

(3) Two (2) attorney members must be men.

(c) The Lake County board of commissioners shall appoint four (4) nonattorney citizens to the commission; subject to the following:

(1) Each of the three (3) county commissioners shall appoint one (1) nonattorney member who is a resident of the appointing commissioner's district.

(2) After each county commissioner has had the opportunity to make the county commissioner's appointment; the fourth nonattorney member must be appointed by a majority vote of the Lake County board of commissioners.

(3) At least one (1) nonattorney member must be a minority individual (as defined in IC 21-13-1-6);

(4) Two (2) nonattorney members must be women.

(5) Two (2) nonattorney members must be men.

(6) Not more than two (2) of such appointees may be from the same political party.

The appointees must reflect the composition of the community. If the Lake County board of commissioners fails to appoint any of the nonattorney commission members within the time required to do so in section 29 of this chapter; the appointment shall be made by the chief justice of the supreme court.

(d) A member of the commission; other than a judge or justice; may not hold any other elected public office. A member may not hold an office in a political party or organization. A nonattorney member of the commission may not hold an elected or salaried public office. A nonattorney member may not be an employee of the state or of a political subdivision of the state.

(e) A member of the commission is not eligible for appointment to a judicial office in Lake County if the member is a member of the commission and for three (3) years thereafter.

(f) If any member of the commission; other than a judge or justice; terminates the member's residence in Lake County; the member is considered to have resigned from the commission.

SECTION 18. IC 33-33-45-29 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 29: (a) The Lake County board of commissioners shall appoint the four (4) nonattorney members of the commission:

(b) One (1) month before the expiration of a term of office of a nonattorney commissioner; an appointment or reappointment shall be made in accordance with section 28 of this chapter. All appointments made by the Lake County board

of commissioners shall be certified to the secretary of state, the clerk of the supreme court, and the clerk of Lake circuit court within ten (10) days after the appointment.

(e) Each nonattorney member shall be appointed for a term of four (4) years.

(d) Whenever a vacancy occurs in the office of a nonattorney commissioner, the chairman of the commission shall promptly notify the Lake County board of commissioners in writing of such fact. Vacancies in the office of nonattorney commissioners shall be filled by appointment of the Lake County board of commissioners within sixty (60) days after notice of the vacancy is received. The term of the nonattorney commissioner appointed is for the unexpired term of the member whose vacancy the new member has filled.

SECTION 19. IC 33-33-45-30 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 30: (a) Those admitted to the practice of law and residing in Lake County (referred to in this chapter as attorney electors) shall elect four (4) of their number to the commission. To be eligible for the office of attorney commissioner, a person must be on the current annual list of attorneys certified to the clerk of the supreme court and must be a resident of Lake County. The term of office of each elected attorney member is four (4) years, commencing on the first day of October following the attorney member's election. The election day is the date on which the ballots are counted and, for purposes of this section, is the first Tuesday in September 1995, and every four (4) years thereafter. Thereafter, during the month before the expiration of each attorney commissioner's term of office, an election shall be held to fill the succeeding four (4) year term of office.

(b) Except when a term of office has less than ninety (90) days remaining, vacancies in the office of an attorney commissioner to the commission shall be filled for the unexpired term of the member creating the vacancy by a special election.

SECTION 21. IC 33-33-45-31 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 31: The attorney members of the commission shall be elected by the following process:

(1) The clerk of the Lake circuit court shall, at least ninety (90) days before the date of election, notify all attorneys in Lake County of the upcoming election by mail, informing them that nominations must be made to the clerk of the circuit court at least sixty (60) days before the election. The clerk shall secure a list of all attorneys and their correct addresses from the clerk of the supreme court.

(2) A nomination in writing, accompanied by a signed petition of ten (10) attorney electors, and the written consent of the qualified nominee shall be filed by any attorney elector or group of attorney electors residing in Lake County, by mail or otherwise, in the office of the clerk of the Lake circuit court at least sixty (60) days before the election.

(3) The clerk of the Lake circuit court shall prepare and print ballots containing the names and residential addresses of all attorney nominees whose written nominations, petitions, and written statements of consent have been received sixty (60) days before the election.

(A) The ballot shall read:

"SUPERIOR COURT OF LAKE COUNTY  
NOMINATING COMMISSION BALLOT

To be cast by individuals residing in Lake County and admitted to the practice of law in Indiana. Vote for not more than four (4) of the following candidates for the term commencing \_\_\_\_\_.

(Name) (Address)  
(Name) (Address)  
(etc.) (etc.)

To be counted, this ballot must be completed, the accompanying certificate completed and signed, and both together mailed or delivered to the clerk of the Lake circuit court not later than \_\_\_\_\_.

DESTROY BALLOT IF NOT USED".

(B) The four (4) nominees receiving the most votes whose election does not conflict with the requirements of section 28(b) of this chapter shall be elected.

(4) The clerk shall also supply with each ballot distributed by the clerk a certificate, to be completed and signed and returned by the attorney elector voting such ballot, certifying that the attorney elector is admitted to the practice of law in Indiana; that the attorney elector resides in Lake County; and that the attorney elector voted the ballot returned. A ballot not accompanied by the signed certificate of the voter shall not be counted.

(5) To maintain the secrecy of each vote, a separate envelope shall be provided by the clerk for the ballot, in which only the voted ballot is to be placed. This envelope shall not be opened until the counting of the ballots.

(6) The clerk of the Lake circuit court shall mail a ballot and its accompanying material to all qualified attorney electors at least two (2) weeks before the date of election.

(7) Upon receiving the completed ballots and the accompanying certificate, the clerk shall ensure that the certificates have been completed in compliance with this chapter. All ballots that are accompanied by a valid certificate shall be placed in a package designated to contain ballots. All accompanying certificates shall be placed in a separate package.

(8) The clerk of the Lake circuit court, with the assistance of the Lake County election board, shall open and canvass all ballots after 4 p.m. on the day of election in the office of the clerk of the Lake circuit court. Ballots received after 4 p.m. may not be counted unless the chairman of the judicial nominating commission orders an extension of time because of extraordinary circumstances. Upon canvassing the ballots, the clerk shall place all ballots back in their package. These, along with the certificates, shall be retained in the clerk's office for six (6) months; and the clerk shall permit no one to inspect them except upon an order of the supreme court.

(9) In any election held for selection of attorney members of the commission, in case two (2) or more nominees are tied so that one (1) additional vote cast for one (1) of them would give the nominee a plurality, the canvasser shall resolve the tie by lot and the winner of the lot is considered to be elected.

SECTION 22. IC 33-33-45-32 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 32: After:

(1) the attorney members of the commission have been elected; and

(2) the names of the nonattorney commissioners appointed by the governor have been certified to the secretary of state, clerk of the supreme court, and clerk of the Lake circuit court as this chapter provides;

the clerk of the Lake circuit court shall by regular mail notify the members of the commission of their election or appointment and shall notify the chairman of the judicial nominating commission of the same.

SECTION 23. IC 33-33-45-33 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 33: A member of the judicial nominating commission may serve until the member's successor is appointed or elected. An attorney commissioner or a nonattorney commissioner is not eligible for more than two (2) successive reelections or reappointments.

SECTION 24. IC 33-33-45-34 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 34: (a) When a vacancy occurs in the superior court of Lake County, the clerk of the court shall promptly notify the chairman and each member of the commission of the vacancy. The chairman shall call a meeting of the commission within ten (10) days following the notice. The commission shall submit its nominations of three (3) candidates for each vacancy and certify them to the governor as

promptly as possible; and not later than sixty (60) days after the vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the governor then serving, but the vacancy has not yet occurred, the clerk shall notify the chairman and each member of the commission immediately of the forthcoming vacancy; and the commission may within fifty (50) days of the notice of the vacancy make its nominations and submit to the governor the names of three (3) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by its chairman or, if the chairman fails to call a necessary meeting, upon the call of any five (5) members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any five (5) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the date, time, and place of every meeting unless the commission at its previous meeting designated the date, time, and place of its next meeting.

(c) Meetings of the commission are to be held at the Lake County government center in Crown Point or another place, as the circuit court clerk of Lake County may arrange, at the direction of the chairman of the commission.

(d) The commission may act only at a public meeting. IC 5-14-1.5 applies to meetings of the commission. The commission may not meet in executive session under IC 5-14-1.5-6.1 for the consideration of a candidate for judicial appointment.

(e) The commission may act only by the concurrence of a majority of its members attending a meeting. Five (5) members constitute a quorum at a meeting.

(f) The commission may adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties. These rules must provide for the receipt of public testimony concerning the qualifications of candidates for nomination to the governor.

SECTION 25. IC 33-33-45-35 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 35: In selecting the three (3) nominees to be submitted to the governor, the commission shall comply with the following requirements:

(1) The commission shall submit only the names of the three (3) most highly qualified candidates from among all those eligible individuals considered. To be eligible for nomination as a judge of the superior court of Lake County, a person must be domiciled in the county of Lake, a citizen of the United States, and admitted to the practice of law in Indiana.

(2) In abiding by the mandate in subdivision (1), the commission shall evaluate in writing each eligible individual on the following factors:

(A) Law school record, including any academic honors and achievements.

(B) Contribution to scholarly journals and publications, legislative drafting, and legal briefs.

(C) Activities in public service, including:

- (i) writings and speeches concerning public or civic affairs that are on public record, including but not limited to campaign speeches or writings, letters to newspapers, and testimony before public agencies;
- (ii) government service;
- (iii) efforts and achievements in improving the administration of justice; and
- (iv) other conduct relating to the individual's profession.

(D) Legal experience, including the number of years of practicing law, the kind of practice involved, and reputation as a trial lawyer or judge.

(E) Probable judicial temperament.

(F) Physical condition, including age, stamina, and possible habitual intemperance.

(G) Personality traits, including the exercise of sound judgment, ability to compromise and conciliate, patience, decisiveness, and dedication.

(H) Membership on boards of directors, financial interests, and any other consideration that might create conflict of interest with a judicial office.

(I) Any other pertinent information that the commission feels is important in selecting the best qualified individuals for judicial office.

(3) These written evaluations shall not be made on an individual until the individual states in writing that the individual desires to hold a judicial office that is or will be created by vacancy.

(4) The political affiliations of any candidate may not be considered by the commission in evaluating and determining which eligible candidates shall be recommended to the governor for a vacancy on the superior court of Lake County.

(5) In determining which eligible candidates are recommended to the governor, the commission shall consider that racial and gender diversity enhances the quality of the judiciary.

SECTION 26. IC 33-33-45-36 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 36: (a) The commission shall submit with the list of three (3) nominees to the governor its written evaluation of the qualifications of each candidate.

(b) The names of the nominees and the written evaluations are public records that may be inspected and copied under IC 5-14-3.

(c) Every eligible candidate whose name was not submitted to the governor shall have access to any evaluation on the candidate by the commission and the right to make such evaluation public.

(d) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1 are excepted from public disclosure, unless the records are prepared for use in the consideration of a candidate for judicial appointment.

SECTION 27. IC 33-33-45-37 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 37: (a) After the commission has nominated and submitted to the governor the names of three (3) persons for appointment to fill a vacancy of the superior court of Lake County:

(1) any name may be withdrawn for cause considered by the commission to be of a substantial nature affecting the nominee's qualifications to hold office; and

(2) another name may be substituted;

before the appointment is made to fill the vacancy.

(b) If a nominee dies or requests in writing that the nominee's name be withdrawn, the commission shall nominate another person to replace the nominee.

(c) If two (2) or more vacancies exist, the commission shall nominate and submit to the governor a list of three (3) different persons for each of the vacancies. The commission may, before an appointment is made, withdraw the lists of nominations, change the names of any persons nominated from one (1) list to another, and resubmit them as changed, or may substitute a new name for any of those previously nominated.

SECTION 28. IC 33-33-45-38 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 38: (a) A vacancy occurring on the court shall be filled by appointment of the governor from a list of three (3) nominees presented to the governor by the judicial nominating commission. If the governor fails to make an appointment from the list within sixty (60) days after the day it is presented to the governor, the appointment shall be made by the chief justice or the acting chief justice of the supreme court from the same list, or altered list as provided for in section 37 of this chapter.

(b) The governor shall make all appointments to the court without regard to the political affiliation of any of the three (3)

nominees submitted to the governor. In the interest of justice, the governor shall consider only those qualifications of the nominees included in section 35 of this chapter.

SECTION 29. IC 33-33-45-40 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 40: An appointment by the governor or chief justice, as required by section 38 of this chapter, to the superior court of Lake County takes effect immediately if a vacancy exists at the date of the appointment. The appointment takes effect on the date the vacancy is created if a vacancy does not exist at the date of appointment.

SECTION 30. IC 33-33-45-41 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 41: (a) Each judge appointed under section 38 of this chapter serves an initial term, which begins on the effective date of the appointment of the judge and continues through December 31 in the year of the general election that follows the expiration of two (2) years after the effective date of the judge's appointment.

(b) Unless the judge:

(1) is rejected by the electorate of Lake County; or

(2) does not file the statement required;

under section 42 of this chapter, a judge of the superior court shall serve successive six (6) year terms.

(c) Each six (6) year term begins on the first day of January following the expiration of the preceding initial term or the preceding six (6) year term, as the case may be, and continues for six (6) years.

SECTION 31. IC 33-33-45-42 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 42: (a) The question of the retention in office or rejection of each judge of the superior court of Lake County shall be submitted to the electorate of Lake County at the general election immediately preceding expiration of the term of the judge.

(b) At the general election, the question of the retention in office or rejection of a judge described in subsection (a) shall be submitted to the electorate of Lake County in the form prescribed by IC 3-11 and must state "Shall Judge (insert name) of the superior court of Lake County be retained in office for an additional term?":

(c) If a majority of the ballots cast by the electors voting on any question is "Yes", the judge whose name appeared on the question shall be approved for a six (6) year term beginning January 1 following the general election as provided in section 41(b) of this chapter.

(d) If a majority of the ballots cast by the electors voting on any question is "No", the judge whose name appeared on the question shall be rejected. The office of the rejected judge is vacant on January 1 following the rejection. The vacancy shall be filled by appointment by the governor under section 38 of this chapter.

(e) The Lake County election board shall submit the question of the retention in office or rejection of a judge described in subsection (a) to the electorate of Lake County. The submission of the question is subject to the provisions of IC 3 that are not inconsistent with this chapter.

(f) A judge who wishes to be retained in office shall file a statement with the secretary of state, not later than noon July 15 of the year in which the question of retention of the judge is to be placed on the general election ballot, indicating that the judge wishes to have the question of the judge's retention placed on the ballot. The judge's statement must include a statement of the judge's name as:

(1) the judge wants the judge's name to appear on the ballot; and

(2) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(g) If a judge does not file the statement required under subsection (f), the question of that judge's retention in office or rejection shall not be submitted to the electorate, and the office becomes vacant at the expiration of the term.

SECTION 32. IC 33-33-49-13.1 IS REPEALED

[EFFECTIVE JULY 1, 2021]. Sec. 13.1: (a) As used in this chapter:

(1) "close relative" has the meaning set forth in IC 33-23-11-2; and

(2) "committee" refers to the Marion County judicial selection committee established by subsection (b).

(b) The Marion County judicial selection committee is established to:

(1) select nominees for the court; and

(2) make recommendations to the voters concerning the retention of a judge on the court.

(c) The committee consists of the following fourteen (14) members:

(1) Four (4) members who reside in Marion County, appointed as follows:

(A) One (1) member appointed by the speaker of the house of representatives.

(B) One (1) member appointed by the minority leader of the house of representatives.

(C) One (1) member appointed by the president pro tempore of the senate.

(D) One (1) member appointed by the minority leader of the senate.

A person appointed under this subdivision may not be a member of the general assembly.

(2) An attorney who resides in Marion County and practices primarily in the area of criminal law, appointed by the president of the Indianapolis bar association.

(3) An attorney who resides in Marion County and practices primarily in the area of criminal law, appointed by the president of the Marion County bar association.

(4) An attorney who resides in Marion County, appointed by the president of the Indiana Trial Lawyers Association.

(5) An attorney who resides in Marion County, appointed by the president of the Defense Trial Counsel of Indiana.

(6) Two (2) members appointed by the chairperson of each major political party (as defined by IC 3-5-2-30(2)) in Marion County. Each of the four (4) members appointed under this subdivision must reside in Marion County and must reflect the diversity and makeup of Marion County.

(7) The chief judge of the Indiana Court of Appeals or a designee of the chief judge who is a judge of the Indiana Court of Appeals. The chief judge or chief judge's designee serves as the vice chairperson of the committee ex officio.

(8) The chief justice of Indiana or a designee of the chief justice who is a justice of the Indiana Supreme Court. The chief justice or chief justice's designee serves as the chairperson of the committee ex officio.

(d) If a member of the committee is employed by a law firm, no other person employed by the same law firm may be appointed to the committee.

(e) A member of the committee may not be:

(1) a current or former judge of the Marion superior or circuit court;

(2) a current or former judicial officer appointed by the Marion superior or circuit court;

(3) a current or former employee of the Marion superior or circuit court; or

(4) a close relative of anyone described in subdivision (1), (2), or (3).

This subsection does not apply to a member appointed under subsection (c)(7) or (c)(8):

(f) All attorney members of the committee must be in active and good standing with the Indiana Supreme Court.

(g) Each member of the committee who is not an ex officio member serves a four (4) year term, beginning on July 1, 2017, and ending on June 30, 2021. A member of the committee may be reappointed for one (1) or more additional four (4) year

terms: If a member is appointed to fill a vacancy, the member serves during the unexpired term of the member's predecessor and may be reappointed for one (1) or more additional four (4) year terms.

(h) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy.

(i) An ex officio member of the committee ceases to be a member of the committee at the time the person no longer holds the office that entitles the person to be a member of the committee.

(j) A member of the committee described in subsection (c)(1) through (c)(6) who no longer resides in Marion County is considered to have resigned from the committee. A member of the committee who no longer resides in Marion County shall notify the chairperson in writing of the member's change in residence.

(k) A quorum consists of nine (9) members of the committee.

(l) The affirmative votes of nine (9) members of the committee are required for the committee to take official action with respect to any candidate for judicial office.

(m) The committee shall:

(1) nominate judicial candidates for the court in accordance with section 13.4 of this chapter; and

(2) make recommendations concerning retention in accordance with section 13.7 of this chapter.

(n) The committee meets upon the call of the chairperson.

(o) The committee shall meet in the Indiana statehouse or in any other appropriate location in Marion County, as determined by the chairperson.

(p) Except as otherwise provided in subsection (q) or otherwise provided in this chapter, the committee may adopt its own policies and operating procedures. The policies and procedures must comply with IC 5-14-1.5 (the open door law) and this chapter, and must include procedures by which eligible candidates for a vacancy on the court may submit their names to the committee. The policies and procedures are public records; and the meetings of the committee at which the policies and procedures are considered for initial adoption or amendment must be publicly announced and open to the public. Applications of candidates for judicial appointment are public records.

(q) Notwithstanding IC 5-14-1.5-2, the committee is a public agency for the purposes of IC 5-14-1.5. The committee may meet in executive session under IC 5-14-1.5-6.1 for the consideration of a candidate for appointment to or retention on the court if:

(1) notice of the executive session is given in the manner prescribed by IC 5-14-1.5-5; and

(2) all interviews of candidates are conducted at meetings open to the public.

(r) Notwithstanding IC 5-14-3-4, all public records (as defined in IC 5-14-3-2) of the committee are subject to IC 5-14-3-3, including records described in IC 5-14-3-4(b)(12). However, the following records are exempted from public inspection and copying at the discretion of the committee:

(1) Personnel files of committee employees and members and files of applicants for employment with the committee to the extent permitted under IC 5-14-3-4(b)(8);

(2) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1, unless the records are prepared for use in the consideration of a candidate for retention or judicial appointment.

(3) Investigatory records prepared for the committee until:

(A) the records are considered in connection with the consideration of a candidate;

(B) the records are publicly discussed by the committee in connection with the consideration of a candidate;

(C) a candidate elects to have the records released by

the committee; or

(D) the committee elects to release the records that the committee considers appropriate in response to the committee considers appropriate in response to the publicly disseminated statements relating to the activities or actions of the committee; whichever occurs first.

(4) The work product of an attorney (as defined in IC 5-14-3-2) representing the committee.

(s) When an event described by subsection (r)(3) occurs, the investigatory record becomes available for public inspection and copying under IC 5-14-3-3.

(t) A former member of the committee may not be nominated as a judge of the court if the person has served as a member of the committee within the previous five (5) years.

SECTION 33. IC 33-33-49-13.2 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 13-2: (a) Each judge of the court shall serve a term of six (6) years. The judge shall hold office for the six (6) year term or until the judge's successor is appointed and qualified. A judge shall be appointed at large for the office of judge of the court and not as the judge of a particular room or division of the court.

(b) The thirty-six (36) judges of the court shall be divided into two (2) retention classes:

(c) Retention class A consists of the twenty (20) judges whose terms expire on December 31, 2018.

(d) Retention class B consists of the sixteen (16) judges whose terms expire on December 31, 2020.

(e) A newly appointed judge is assigned to the retention class of the judge's predecessor.

SECTION 34. IC 33-33-49-13.3 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 13-3: (a) The retention in office of a sitting judge of the court shall be approved or rejected by the electorate of Marion County in accordance with this section:

(b) A judge who wishes to be retained in office shall file a statement with the clerk and secretary of state during the period described in IC 3-8-2-4 during which a declaration of candidacy must be filed in the year in which the judge's term expires. The judge's statement must include the following information:

(1) A statement indicating that the judge wishes to have the question of the judge's retention placed on the ballot.

(2) A statement of the judge's name as:

(A) the judge wants the judge's name to appear on the ballot; and

(B) a candidate's name is permitted to appear on the ballot under IC 3-5-7.

(3) If the judge is affiliated with a political party, the name of that political party. The judge may indicate in the statement that the judge is not affiliated with a political party. For purposes of this subdivision, a judge's affiliation with a political party is determined as provided in IC 3-8-2-7(a)(4).

(4) A statement that the judge requests that the name on the judge's voter registration record be the same as the name the judge uses on the statement. If there is a difference between the name on the judge's statement and the name on the judge's voter registration record, the clerk shall change the name on the judge's voter registration record to be the same as the name on the judge's statement.

If a judge does not file a statement under this subsection with both the clerk and the secretary of state, the clerk shall, not later than March 1, notify the Marion County judicial selection committee in writing that the judge does not wish to continue in office after the end of the judge's term of office.

(c) The term of a judge:

(1) who does not file statements under subsection (b); and

(2) whose term expires during the year in which the question of the retention of the judge would have been placed on the general election ballot;

expires December 31 of the year in which the question of the judge's retention would have been placed on the ballot.

(d) If the question of a judge's retention is required to be on the ballot at a general election, the question of approval or rejection of the judge's retention shall be placed on the general election ballot in the form prescribed by IC 3-11-2 and must state:

"Shall Judge (insert here the name of the judge as stated under subsection (b)(2)) be retained in office?"

If a majority of the ballots cast by the electors voting on the question is "Yes", the judge whose name appears on the question shall be approved for a six (6) year term beginning January 1 following the general election as provided in section 13-2 of this chapter. If a majority of the ballots cast by the electors voting on the question is not "Yes", the following apply:

(1) Retention of the judge whose name appears on the question is rejected.

(2) The office of the rejected judge becomes vacant on January 1 following the rejection.

(3) The vacancy shall be filled in accordance with this chapter.

SECTION 35. IC 33-33-49-13.4 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 13-4. (a) When the committee learns that a vacancy exists or will exist on the court, the committee shall nominate three (3) candidates to the governor to fill the vacancy in accordance with this section.

(b) In making a nomination under this section or a recommendation concerning retention under section 13-7 of this chapter, the committee shall consider the following factors with respect to a candidate:

(1) Law school record, including any academic honors and achievements.

(2) Contribution to scholarly journals and publications; legislative drafting; and legal briefs.

(3) Activities in public service, including:

(A) writings and speeches concerning public or civic affairs that are on public record, including but not limited to campaign speeches or writing; letters to newspapers; and testimony before public agencies;

(B) efforts and achievements in improving the administration of justice; and

(C) other conduct relating to the individual's profession.

(4) Whether the candidate reflects the diversity and makeup of Marion County.

(5) Legal experience, including the number of years of practicing law, the kind of practice involved, and reputation as a trial lawyer or judge.

(6) Probable judicial temperament.

(7) Personality traits, including the exercise of sound judgment, ability to compromise and conciliate, patience, decisiveness, and dedication.

(8) Membership on boards of directors; financial interest, and any other consideration that might create conflict of interest with a judicial office.

(9) Any other pertinent information that the committee feels is important in selecting the best qualified individuals for judicial office.

(c) As soon as practicable after the committee learns of a vacancy, the committee shall publicly announce that it is accepting applications from persons wishing to fill the vacancy. The committee shall determine the form and content of the application, establish a timetable for nominations, and schedule one (1) or more hearings to interview qualified applicants and select nominees to fill the vacancy. To the extent practicable, the committee shall endeavor to interview as many qualified applicants as possible. However, if a large number of applicants have applied to fill a vacancy, the committee may limit itself to interviewing only the most qualified applicants. The committee may conduct multiple interviews. At the conclusion of the

interview process, the committee shall nominate the three (3) most qualified candidates and forward their names to the governor, who shall, not later than sixty (60) days after the names of the candidates have been forwarded, appoint one (1) of the nominees as judge. If the governor does not make an appointment within the sixty (60) day period described in this subsection, the chairperson of the committee shall appoint one (1) of the nominees as judge.

(d) In no event may more than fifty-two percent (52%) of the judges serving on the Marion superior court be members of the same political party.

SECTION 36. IC 33-33-49-13.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 13-5. (a) The municipal court judge:

(1) whose term expires December 31, 1997; and

(2) who is serving as a part-time judge on December 31, 1997;

is entitled to continue serving as a part-time judge of the Marion superior court established under IC 33-5-1-2 (before its repeal; now codified at IC 33-33-49-6). The municipal court judge whose term expires December 31, 1997, and who is serving as a part-time judge of the Marion superior court established under IC 33-5-1-2 (before its repeal; now codified at IC 33-33-49-6) until midnight December 31, 2000.

(b) The following apply to the part-time judge described in subsection (a):

(1) The judge may not practice criminal law in the Marion superior court but may practice civil law in the Marion superior court.

(2) The judge may convert to full-time status at any time.

(3) The annual salary of the part-time judge shall be equal to the sum of forty percent (40%) of the salary of a full-time superior court judge. The salary of the part-time judge shall be paid on a percentage basis from the same sources providing the salary of a full-time superior court judge.

(c) If the judge serving as part-time judge of the Marion superior court stands for election in the general election held November 7, 2000, and any subsequent election, and is elected as judge of the Marion superior court, the judge may continue to serve as a part-time judge, subject to the provisions of subsection (b).

(d) If it is determined in a judicial ethics action that the judge serving as part-time judge of the Marion superior court may not engage in the practice of civil law before the Marion superior court, the cases in which the judge has entered an appearance or filed any pleadings shall be transferred to the Marion circuit court for further proceedings. The judge may continue to participate in the cases transferred to the circuit court. Cases transferred to the circuit court under this subsection have the same effect as if originally filed in or issued by the Marion circuit court.

SECTION 37. IC 33-33-49-13.7 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 13-7. (a) This section applies to each sitting judge who will stand for retention under section 13-3 of this chapter, including a person who served as a judge of the Marion superior court on December 31, 2016. However, an incumbent judge must appear only one (1) time before the committee for purposes of this section.

(b) The following definitions apply throughout this section:

(1) "News media" includes:

(A) a newspaper of general circulation in Marion County;

(B) one (1) or more broadcasters serving Marion County;

(C) any person who uses a blog or similar Internet web site to provide information or commentary concerning the judiciary or political matters of interest to residents of Marion County; and



(D) any other appropriate source of news or information for Marion County residents:

(2) "Voter outreach organization" includes any organization that has the goal of informing voters in Marion County about issues and candidates in upcoming elections:

(c) This subsection does not apply to an incumbent judge who has previously appeared before the committee for purposes of this section at least one (1) time. Before a judge may stand for retention under section 13.3 of this chapter, the judge must appear before the committee to permit the committee to issue a recommendation to the voters concerning the judge's qualifications and suitability to continue to hold judicial office:

(d) At the time a judge files a statement under section 13.3 of this chapter that the judge wishes to be retained in office, the judge shall:

(1) notify the committee that the judge wishes to be retained in office; and

(2) provide the committee with a written statement describing the judge's qualifications, with particular emphasis on the matters described in section 13.4(b) of this chapter:

(c) After receiving the materials described in subsection (d), the committee shall promptly schedule a hearing to consider the materials submitted by the judge and interview the judge. Each judge is entitled to a hearing before the committee. The hearings shall be held in executive session:

(f) A judge is presumed qualified. The affirmative votes of at least nine (9) committee members are required to find that a judge is not qualified:

(g) If the committee finds that a judge is not qualified, the committee shall do the following:

(1) Through the chairperson, place on the appropriate Internet web site of the Indiana supreme court the following statement: "After considering Judge (insert name here)'s qualifications and Judge (insert name here)'s performance in office, the Marion County Judicial Selection Committee finds that Judge (insert name here) IS NOT qualified and SHOULD NOT BE retained in office.":

(2) Issue the following statement to news media and voter outreach organizations: "After considering Judge (insert name here)'s qualifications and Judge (insert name here)'s performance in office, the Marion County Judicial Selection Committee finds that Judge (insert name here) IS NOT qualified and SHOULD NOT BE retained in office.":

(3) Take any other steps reasonably calculated to inform the general public in Marion County of the committee's determination:

(h) If the committee does not find that a judge is unqualified, the committee shall do the following:

(1) Through the chairperson, place on the appropriate Internet web site of the Indiana supreme court the following statement: "After considering Judge (insert name here)'s qualifications and Judge (insert name here)'s performance in office, the Marion County Judicial Selection Committee finds that Judge (insert name here) IS qualified and SHOULD BE retained in office.":

(2) Issue the following statement to news media and voter outreach organizations: "After considering Judge (insert name here)'s qualifications and Judge (insert name here)'s performance in office, the Marion County Judicial Selection Committee finds that Judge (insert name here) IS qualified and SHOULD BE retained in office.":

(3) Take any other steps reasonably calculated to inform the general public in Marion County of the committee's determination:

(i) Subject to section 13.1 of this chapter, the committee may adopt policies and operating procedures to implement this

section:

SECTION 38. IC 33-33-71-29 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 29: (a) There is established a judicial nominating commission for the St. Joseph superior court, the functions, responsibilities, and procedures of which are set forth in sections 30 through 40 of this chapter:

(b) The board of county commissioners of St. Joseph County shall provide all facilities, equipments, supplies, and services necessary for the administration of the duties imposed upon the commission. The members of this commission shall serve without compensation. However, the board of county commissioners of St. Joseph County shall reimburse members of this commission for their actual expenses incurred in performing their duties:

SECTION 39. IC 33-33-71-30 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 30: (a) The judicial nominating commission (referred to as the "commission" in this chapter) consists of seven (7) members, the majority of whom shall form a quorum. The chief justice shall appoint a justice of the supreme court or a judge of the court of appeals to serve as a member and chairman of the commission until a successor is appointed. Those admitted to the practice of law in Indiana and residing in St. Joseph County or maintaining their principal law office in St. Joseph County shall elect, under sections 32 and 33 of this chapter, three (3) of their number to serve as attorney members of the commission. If any attorney member of the commission terminates residence in St. Joseph County or discontinues the maintenance of a principal law office in St. Joseph County, the member shall be considered to have resigned from the commission. The three (3) remaining members of the commission must be persons not admitted to the practice of law (referred to as "nonattorney members" in this chapter) and residents of St. Joseph County. However, not more than two (2) of the nonattorney members may be from the same political party and that the appointment of the nonattorney members of the commission shall be made under section 31 of this chapter. Not more than four (4) commission members may be from the same political party:

(b) A member of the commission may not hold any other salaried public office nor an office in a political party organization. A member of the commission is not eligible for appointment to a judicial office in St. Joseph County who has, within four (4) years immediately preceding an appointment, served on the commission. If any nonattorney member of the commission terminates residence in St. Joseph County, the member is considered to have resigned from the commission:

SECTION 40. IC 33-33-71-31 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 31: (a) The appointment to membership on the commission of the nonattorney members shall be made by a selection committee consisting of the judge of the St. Joseph circuit court, the president of the board of St. Joseph County commissioners, and mayors in each of the two (2) cities having the largest populations in St. Joseph County. These appointments shall be made by a majority vote of the selection committee. If a vacancy occurs on the commission among the nonattorney members, that fact shall be reported to the judge of the St. Joseph circuit court by the commission. Upon notification, the judge of the St. Joseph circuit court shall call into session the selection committee, which shall, by majority vote, select a person or persons not admitted to the practice of law, who shall serve the unexpired term of the vacant commission membership position and that this selection and appointment by the selection committee shall be made within sixty (60) days after the date the St. Joseph circuit court is notified of the creation of the vacancy. If the selection committee fails to act to fill an unexpired term of a nonattorney member of the commission within sixty (60) days after the notification that the vacancy exists, the vacancy shall be filled by a majority vote of the remaining members of the commission:

(b) Not less than sixty (60) days before the expiration of the

term of a nonattorney member of the commission; the judge of the St. Joseph circuit court shall call into session the selection committee that shall appoint, by a majority vote, a person to the commission to serve a new term. If the selection committee fails to act to fill an expired term of a nonattorney member of the commission by the date of expiration of the term of a nonattorney member of the commission, the remaining members on the commission shall, by majority vote, appoint a person to serve for the succeeding term. All appointments made to the commission shall be certified within ten (10) days to the clerk of the St. Joseph superior court.

(e) Each appointee of a nonattorney member to the commission, except those who fill a vacancy, shall serve for four (4) years.

SECTION 41. IC 33-33-71-32 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 32: (a) Each year in which an attorney member's term expires, those admitted to the practice of law in Indiana and residing in St. Joseph County (referred to as "attorney electors" in this chapter) shall elect three (3) of their number to serve on the commission. Each attorney member of the commission shall serve for four (4) years. The term of each attorney member begins on the first day of October following the member's election. The election day is the date on which the ballots are counted. During the month before the expiration of each attorney commissioner's term of office, an election shall be held to fill the succeeding four (4) year term of office.

(b) Except when a term of office has less than ninety (90) days remaining, vacancies in the office of an attorney commissioner to the commission shall be filled for the unexpired term of the member creating the vacancy by a special election.

SECTION 42. IC 33-33-71-33 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 33: The attorney members of the commission shall be elected by the following process:

(1) The clerk of the St. Joseph superior court shall at least ninety (90) days before the date of election notify all attorneys in St. Joseph County of the upcoming election by mail, informing them that nominations must be made to the clerk of the superior court at least sixty (60) days before the election. The clerk shall secure a list of all attorneys in the county and their correct addresses from the clerk of the supreme court.

(2) A nomination in writing accompanied by a signed petition of ten (10) attorney electors, and the written consent of the qualified nominee shall be filed by an attorney elector or group of attorney electors residing in St. Joseph County, by mail or otherwise, in the office of the clerk of St. Joseph superior court at least sixty (60) days before the election.

(3) The clerk of St. Joseph superior court shall prepare and print ballots containing the names and residence addresses of all attorney nominees whose written nominations, petitions and written statements of consent have been received sixty (60) days before the election.

The ballot must read:

"ST. JOSEPH SUPERIOR COURT  
NOMINATING COMMISSION BALLOT

To be cast by individuals residing in St. Joseph County and admitted to the practice of law in Indiana. Vote for one (1) of the following candidates for the term commencing:

(Insert Date)

- ( ) (Name)
- (Address)
- ( ) (Name)
- (Address)
- ( ) (etc.) (etc.)

To be counted, this ballot must be completed, the accompanying certificate completed and signed, and both together mailed or delivered to the clerk of St. Joseph superior court not later than \_\_\_\_\_ (insert date).

DESTROY BALLOT IF NOT USED:-

(4) The nominee receiving the most votes is elected:

(5) The clerk shall also supply with each ballot distributed by the clerk a certificate, to be completed and signed and returned by the attorney elector voting that ballot, certifying that the attorney elector is admitted to the practice of law in Indiana, resides in St. Joseph County, and voted the ballot returned: A ballot not accompanied by the signed certificate of the voter may not be counted:

(6) To maintain the secrecy of each vote, a separate envelope shall be provided by the clerk for the ballot, in which only the voted ballot is to be placed: This envelope may not be opened until the counting of the ballots:

(7) The clerk of St. Joseph superior court shall mail a ballot and its accompanying material to all qualified attorney electors at least two (2) weeks before the date of election:

(8) Upon receiving the completed ballots and the accompanying certificates, the clerk shall insure that the certificates have been completed in compliance with this chapter: All ballots that are accompanied by a valid certificate shall be placed in a package designated to contain ballots: All accompanying certificates shall be placed in a separate package:

(9) The clerk of St. Joseph superior court, with the assistance of the St. Joseph County election board, shall open and canvass all ballots at 4 p.m. on the day of election in the office of the clerk of St. Joseph superior court: Ballots received after 4 p.m. may not be counted: Upon canvassing the ballots the clerk shall place all ballots back in their package: These, along with the certificates, shall be retained in the clerk's office for six (6) months: The clerk may not allow a person to inspect them except upon an order of the court of appeals:

(10) In any election held for selection of attorney members of the commission, in case two (2) or more nominees are tied so that one (1) additional vote cast for one (1) of them would give that nominee a plurality, the canvassers shall resolve the tie by lot, and the winner of the lot is considered elected:

SECTION 43. IC 33-33-71-34 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 34: After:

(1) the attorney members of the commission have been elected; and

(2) the names of the nonattorney commissioners appointed by the selection committee have been certified to the secretary of state, clerk of the supreme court, and the clerk of St. Joseph superior court under this chapter;

the clerk of St. Joseph superior court shall by regular mail notify the members of the commission of their election or appointment, and shall notify the chairman of the commission of the same:

SECTION 44. IC 33-33-71-35 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 35: A person who has been elected or appointed to a full four (4) year term upon the commission may not succeed himself or herself or be eligible for election or appointment to the commission for four (4) years after the expiration of the term to which the person was elected or appointed:

SECTION 45. IC 33-33-71-36 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 36: (a) When a vacancy occurs in the St. Joseph superior court, the clerk of the court shall promptly notify the chairman of the commission of the vacancy: The chairman shall call a meeting of the commission within ten (10) days following this notice: The commission shall submit its nominations of five (5) candidates for each vacancy and certify them to the governor as promptly as possible, and not later than sixty (60) days after the vacancy occurs: When it is known that a vacancy will occur at a definite future date within the term of the serving governor, but the vacancy has not yet occurred, the clerk shall notify the commission immediately:

The commission may within fifty (50) days of the notice of vacancy make its nominations and submit to the governor the names of five (5) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by the chairman or, if the chairman fails to call a necessary meeting, upon the call of any four (4) members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any four (4) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the time and place of every meeting unless the commission at its previous meeting designated the time and place of its next meeting.

(c) Meetings of the commission must be held at a place in:

- (1) the St. Joseph County courthouse; or
- (2) another building owned or operated by St. Joseph County;

in South Bend as the clerk of the St. Joseph superior court may arrange.

(d) The commission shall act only at a meeting and may act only by the concurrence of a majority of its members. Four (4) members are required to constitute a quorum at a meeting. The commission may adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties.

SECTION 46. IC 33-33-71-37 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 37: (a) The commission shall submit only the names of the five (5) most highly qualified candidates from among those eligible individuals considered. To be eligible for nomination as a judge of the St. Joseph superior court, a person must be domiciled in the county of St. Joseph, a citizen of the United States, and admitted to the practice of law in the courts of Indiana.

(b) In abiding by the mandate in subsection (a), the commission shall evaluate in writing each eligible individual on the following factors:

- (1) Law school record, including any academic honors and achievements;
- (2) Contribution to scholarly journals and publications, legislative draftings, and legal briefs.
- (3) Activities in public service, including:
  - (A) writings and speeches concerning public or civic affairs which are on public record, including but not limited to campaign speeches or writing, letters to newspapers, and testimony before public agencies;
  - (B) efforts and achievements in improving the administration of justice; and
  - (C) other conduct relating to the individual's profession.
- (4) Legal experience, including the number of years of practicing law, the kind of practice involved, and reputation as a trial lawyer or judge.
- (5) Probable judicial temperament.
- (6) Physical condition, including age, stamina, and possible habitual intemperance.
- (7) Personality traits, including the exercise of sound judgment, ability to compromise and conciliate patience, decisiveness, and dedication.
- (8) Membership on boards of directors, financial interest, and any other consideration that might create conflict of interest with a judicial office.
- (9) Any other pertinent information that the commission feels is important in selecting the best qualified individuals for judicial office.

(c) Written evaluations may not be made on an individual until the individual states in writing that the individual desires to hold a judicial office that is or will be created by vacancy.

(d) The political affiliations of any candidate may not be considered by the commission in evaluating and determining

which eligible candidates shall be recommended to the governor for a vacancy on the St. Joseph superior court.

SECTION 47. IC 33-33-71-38 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 38: The commission shall submit with the list of five (5) nominees to the governor its written evaluation of the qualifications of each candidate, and the names and written evaluations shall be publicly disclosed. Every eligible candidate whose name was not submitted to the governor is entitled to access to any evaluation of the candidate by the commission and the right to make the evaluation public. Otherwise, the evaluation, including the names of the candidates applying for the office, shall remain confidential. If the commission determines that there are less than five (5) persons qualified under section 40 of this chapter, the commission must submit a lesser number under section 40 of this chapter.

SECTION 48. IC 33-33-71-39 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 39: (a) After the commission has nominated and submitted to the governor the names of five (5) persons for appointment to fill a vacancy of the St. Joseph superior court:

- (1) any name may be withdrawn for a cause considered by the commission to be of a substantial nature affecting the nominee's qualifications to hold office; and
- (2) another name may be substituted at any time before the appointment is made to fill the vacancy.

(b) If a nominee dies, or requests in writing that the nominee's name be withdrawn, the commission shall nominate another person to replace the nominee.

(c) If there are existing at the same time two (2) or more vacancies on the court, the commission shall nominate and submit to the governor a list of five (5) different persons for each of the vacancies. The commission may before an appointment is made:

- (1) withdraw the lists of nominations;
- (2) change the names of any persons nominated from one (1) list to another; and
- (3) resubmit the lists as changed or substitute a new name for any of those previously nominated.

SECTION 49. IC 33-33-71-40 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 40: (a) A vacancy occurring in the St. Joseph superior court shall be filled by appointment of the governor from a list of nominees presented to the governor by the judicial nominating commission. If the governor fails to make an appointment from the list within sixty (60) days from the day it is presented to the governor, the appointment shall be made by the chief justice or the acting chief justice of the supreme court from the same list presented to the governor.

(b) The governor shall make all appointments to the St. Joseph superior court without regard to the political affiliation of any of the nominees submitted to the governor. In the interest of justice, the governor shall consider only those qualifications of the nominees included in section 37 of this chapter.

(c) If the St. Joseph County judicial nominating commission, by a vote of any five (5) of its members, determines that, of the persons considered for any existing or expected vacancy in the St. Joseph superior court, less than five (5) are qualified for judicial office, within the scope of this chapter, the commission shall certify that determination to the governor together with the name or names of the person or persons found to be qualified under this chapter. In that event, the governor, chief justice, or acting chief justice shall make the selection or, if only one (1) name is submitted, make the appointment.

SECTION 50. IC 33-33-71-41 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 41: An appointment by the governor, chief justice, or acting chief justice, as required by section 40 of this chapter, to the St. Joseph County superior court shall take effect immediately if a vacancy exists at the date of the appointment. The appointment shall take effect on the date the vacancy is created if a vacancy does not exist on the date of the appointment.

SECTION 51. IC 33-33-71-42 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 42: (a) Each judge appointed serves an initial term that begins on the effective date of the judge's appointment and continues through December 31 in the year of the general election that follows the expiration of two (2) years after the effective date of the judge's appointment.

(b) Thereafter, unless the judge:

(1) is rejected by the electorate of St. Joseph County under this chapter; or

(2) does not file the statement required under section 43 of this chapter;

each judge of the St. Joseph superior court serves successive six (6) year terms. Each successive six (6) year term begins on the first day of January following the expiration of the preceding initial term or the preceding six (6) year term and continues for six (6) years.

SECTION 52. IC 33-33-71-43 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 43: (a) The question of the retention in office or rejection of each judge of the St. Joseph superior court shall be submitted to the electorate of St. Joseph County at the general election immediately preceding expiration of the term of that judge.

(b) A judge who wishes to be retained in office shall file a statement with the secretary of state, not later than noon July 15 of the year in which the question of retention of the judge is to be placed on the general election ballot, indicating that the judge wishes to have the question of the judge's retention placed on the ballot. The judge's statement must include a statement of the judge's name as:

(1) the judge wants the judge's name to appear on the ballot; and

(2) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(c) If a judge subject to this chapter does not file the statement required under subsection (b), the question of the judge's retention in office or rejection may not be submitted to the electorate, and the office is vacant at the expiration of the term.

(d) The St. Joseph County election board shall submit the question of the retention in office or rejection of any judge to the electorate of St. Joseph County. The submission of this question is subject to the provisions of IC 3 that are not inconsistent with this chapter.

(e) At the general election, the question of the retention in office or rejection of a judge shall be submitted to the electorate of St. Joseph County in the form prescribed by IC 3-11 and must state "Shall Judge (insert name) of the St. Joseph superior court be retained in office for an additional term?"

(f) If a majority of the ballots cast by the electors voting on the question is "No", the judge whose name appeared on such question is rejected. The office of the rejected judge is vacant on January 1 following the rejection. The vacancy shall be filled by appointment of the governor under section 40 of this chapter. The name of the rejected judge may not be included among those submitted to the governor. However, the judge's rejection does not disqualify a rejected judge from being considered for another judicial office that becomes vacant.

SECTION 53. IC 33-33-71-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 45. There is established a commission on judicial qualifications for the St. Joseph superior court, whose membership is the same as that of the judicial nominating commission under section 29 of this chapter. IC 33-33-0.5. The commission on judicial qualifications may employ special counsel in any proceedings it undertakes under the responsibilities imposed upon it by this chapter.

SECTION 54. IC 33-33-82-31 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 31: (a) The judge of the Vanderburgh circuit court and each of the seven (7) judges of the Vanderburgh superior court shall be elected in nonpartisan

elections every six (6) years:

(b) Not later than December 31 of the year immediately preceding a year in which the office of judge of the Vanderburgh superior court will be on the ballot, the clerk of the circuit court shall file with the election division a list containing the name and the court number assigned by the roster of judicial officers maintained by the office of judicial administration, for each judge of the Vanderburgh superior court.

(c) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for any one (1) of the eight (8) judgeships affected by this chapter shall file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and designating by court number the judgeship the candidate seeks. Any petition without the designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

(1) domiciled in the county of Vanderburgh;

(2) a citizen of the United States; and

(3) admitted to the practice of law in Indiana.

(d) If an individual who files a declaration under subsection (c) ceases to be a candidate after the final date for filing a declaration under subsection (c), the election division may accept the filing of additional declarations of candidacy for that judgeship not later than noon August 1.

(e) All candidates for each respective judgeship shall be listed on the general election ballot in the form prescribed by IC 3-11, without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

(f) IC 3, where not inconsistent with this chapter, applies to elections under this chapter."

Delete pages 2 through 16.

Renumber all SECTIONS consecutively.

(Reference is to HB 1453 as printed February 2, 2021.)

V. SMITH

Upon request of Representatives V. Smith and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 66: yeas 22, nays 64. Motion failed.

Representative Lehe, who had been present, is now excused.

HOUSE MOTION  
(Amendment 1453-1)

Mr. Speaker: I move that House Bill 1453 be amended to read as follows:

- Page 1, line 5, reset in roman "nine (9)".
- Page 1, line 5, delete "five (5) voting".
- Page 1, line 6, reset in roman "The chief justice".
- Page 1, line 6, after "chief justice" insert "of Indiana".
- Page 1, line 6, reset in roman "(or a justice of the)".
- Page 1, reset in roman line 7.
- Page 1, line 8, reset in roman "justice) shall be a member and shall act as chairman."
- Page 1, line 8, delete "The chief justice".
- Page 1, delete lines 9 through 10.
- Page 1, reset in roman lines 11 through 17.
- Page 2, line 1, reset in roman "(c)".
- Page 2, line 1, delete "(b) The:" and insert "The".
- Page 2, delete lines 2 through 3.
- Page 2, line 4, delete "(2)".
- Page 2, line 4, reset in roman "four (4)".
- Page 2, line 5, reset in roman "nonattorney citizens".
- Page 2, line 5, delete "two (2) members".
- Page 2, line 5, delete "commission." and insert "commission".
- Page 2, line 5, reset in roman "subject".
- Page 2, run in lines 1 through 6.

Page 2, reset in roman lines 7 through 19.  
 Page 2, line 20, delete "reside in Lake County and".  
 Page 2, line 22, reset in roman "of the nonattorney".  
 Page 2, line 24, rest in roman "chief justice of".  
 Page 2, line 24, after "of" insert "**Indiana**".  
 Page 2, line 25, delete "chairperson of the commission".  
 Page 2, line 26, reset in roman "(d)".  
 Page 2, line 26, delete "(c)".  
 Page 2, line 28, reset in roman "A nonattorney member of".  
 Page 2, reset in roman lines 29 through 31.  
 Page 2, line 32, reset in roman "(e)".  
 Page 2, line 32, delete "(d)".  
 Page 2, line 35, reset in roman "(f)".  
 Page 2, line 35, delete "(e)".  
 Page 2, line 35, delete "voting".  
 Page 2, line 35, reset in roman "other than a judge".  
 Page 2, line 36, reset in roman "or justice".  
 Page 2, delete lines 38 through 42, begin a new paragraph, and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to the appropriate interim study committee, during the 2021 legislative interim, the topic of the composition of the judicial nominating commissions of Lake County and St. Joseph County.**

**(b) This SECTION expires January 1, 2022.**

SECTION 3. **An emergency is declared for this act.**"

Delete pages 3 through 16.

(Reference is to HB 1453 as printed February 2, 2021.)

V. SMITH

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 67: yeas 27, nays 62. Motion failed. The bill was ordered engrossed.

#### House Bill 1479

Representative Wesco called down House Bill 1479 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1479-1)

Mr. Speaker: I move that House Bill 1479 be amended to read as follows:

Page 4, after line 18, begin a new paragraph and insert:  
 "SECTION 2. IC 3-11-18.1-6, AS AMENDED BY P.L.201-2017, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Except as provided in subsection (b), when the total number of active voters in the county equals at least twenty-five thousand (25,000), the following apply:

- (1) The plan must provide for at least one (1) vote center for each ~~ten five thousand (+0,000)~~ **(5,000)** active voters.
- (2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ~~ten five thousand (+0,000)~~ **(5,000)** active voters.

(b) When a county conducts a special election described in IC 3-10-8-1 that is conducted in only part of a county and not on the same date as a primary, general, or municipal election held in the county, the following apply:

- (1) The plan must provide for at least one (1) vote center.
- (2) If the election district for the special election contains at least ~~ten five thousand (+0,000)~~ **(5,000)** active voters, the following apply:
  - (A) The plan must provide for at least one (1) vote center for each ~~ten five thousand (+0,000)~~ **(5,000)** active voters in the election district.
  - (B) In addition to the vote centers required in clause (A), the plan must provide for a ~~voter vote~~ center for any fraction of ~~ten five thousand (+0,000)~~ **(5,000)** active voters in the election district."

Renumber all SECTIONS consecutively.

(Reference is to HB 1479 as printed February 1, 2021.)

PRYOR

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 68: yeas 29, nays 61. Motion failed.

#### HOUSE MOTION (Amendment 1479-2)

Mr. Speaker: I move that House Bill 1479 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-11-4-18, AS AMENDED BY P.L.100-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. **(a) As used in this section, "IMb Tracing" refers to a real-time mail tracking service offered through the United States Postal Service.**

**(a) (b)** If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application. Each ballot ~~may~~ **shall** be assigned a unique tracking number as prescribed by the election division using IMb Tracing ~~or a similar automated tracking method~~ to provide real-time tracking information for the envelope containing the ballot. ~~As used in this subsection, "IMb Tracing" refers to a real-time mail tracking service offered through the United States Postal Service.~~

**(c) The election division shall incorporate a feature in the computerized list that enables county election officials and a voter to use IMb Tracing to track the voter's absentee ballot from the time the absentee ballot was mailed to the voter until the time the absentee ballot was received by the county election officials.**

**(b) (d)** If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The election division shall prescribe the form of this notice under IC 3-5-4-8.

**(e) (e)** Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be transmitted:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under IC 3-7-33-5(g) that the applicant is a registered voter.

**(d) (f)** As required by 52 U.S.C. 21081, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

**(e) (g)** As provided by 52 U.S.C. 21081, when an absentee ballot is transmitted under this section, the mailing must include:

- (1) information concerning the effect of casting multiple

votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots."

Renumber all SECTIONS consecutively.

(Reference is to HB 1479 as printed February 1, 2021.)

PRYOR

Upon request of Representatives Pryor and Porter, the Speaker ordered the roll of the House to be called. Roll Call 69: yeas 26, nays 64. Motion failed. The bill was ordered engrossed.

### House Bill 1498

Representative Miller called down House Bill 1498 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Page 5, line 42, delete "savings" and insert "scholarship".

Page 6, line 2, delete "IC 20-51.4-2-9)," and insert "IC 20-51.4-2-11),".

Page 19, line 37, delete "savings" and insert "scholarship".

Page 22, line 24, delete "savings" and insert "scholarship".

Page 25, line 36, delete "SAVINGS" and insert "SCHOLARSHIP".

Page 26, line 2, delete "savings" and insert "scholarship".

Page 26, between lines 10 and 11, begin a new paragraph and insert:

**"Sec. 5. "Council" refers to the Indiana education scholarship account program advisory council established under IC 20-51.4-3-7."**

Page 26, line 11, delete "5." and insert "6."

Page 26, line 20, after "511 IAC 7-34;" insert "or".

Page 26, line 22, delete "or".

Page 26, delete lines 23 through 24.

Page 26, delete lines 26 through 32, begin a new line double block indented and insert:

**"(B) a student with a parent who, at the time the account is established, is on active duty service in the armed forces of the United States or national guard; or"**

Page 26, line 35, delete "established; and" and insert "established and has received authorization from the department of child services to establish the account; and".

Page 26, between lines 40 and 41, begin a new paragraph and insert:

**"Sec. 7. "Parent" has the meaning set forth in IC 20-18-2-13 and includes for a student described in section 6(3)(C) of this chapter, a foster parent."**

Page 26, line 41, delete "6." and insert "8."

Page 27, line 2, delete "7." and insert "9."

Page 27, line 2, delete "savings" and insert "scholarship".

Page 27, line 4, delete "8." and insert "10."

Page 27, line 6, delete "9." and insert "11."

Page 27, line 7, delete "student:" and insert "student for which scholarship money in an account may be used:".

Page 27, line 17, after "referenced" insert "or criterion referenced".

Page 27, line 18, delete "examinations;" and insert "examinations, Cambridge International courses, International Baccalaureate courses, or College-Level

Examination Program (CLEP) examinations;".

Page 27, between lines 29 and 30, begin a new line block indented and insert:

**"(6) Payments associated with the use of paraprofessional or educational aides."**

Page 27, line 30, delete "(6)" and insert "(7)".

Page 27, line 32, delete "(7)" and insert "(8)".

Page 27, line 35, delete "(8)" and insert "(9)".

Page 27, line 39, delete "(9)" and insert "(10)".

Page 28, delete lines 1 through 5, begin a new line block indented and insert:

**"(11) Additional services and therapies prescribed by the eligible student's treating physician in accordance with generally accepted standards of care to improve outcomes for the student in addition to any services currently being provided by the school, insurance, or the Medicaid program."**

Page 28, line 6, delete "(11)" and insert "(12)".

Page 28, line 8, delete "(12)" and insert "(13)".

Page 28, line 11, delete "(13)" and insert "(14)".

Page 28, between lines 13 and 14, begin a new line block indented and insert:

**"(15) Costs of up to two hundred dollars (\$200) associated with obtaining a school uniform.**

**(16) Tuition and fees to attend training programs and camps that have a focus on:**

**(A) vocational skills;**

**(B) academic skills;**

**(C) life skills;**

**(D) independence; or**

**(E) soft job skills that are character traits and interpersonal skills that characterize a person's relationships with other people."**

Page 28, line 14, delete "(14)" and insert "(17)".

Page 28, line 16, delete "(15)" and insert "(18)".

Page 28, line 16, delete "treasurer of state" and insert "council".

Page 28, delete line 17, begin a new line block indented and insert "IC 20-51.4-3-6."

Page 28, line 18, delete "10." and insert "12."

Page 28, delete lines 24 through 25, begin a new line block indented and insert:

**"(3) that administers the statewide assessment or an assessment that is correlated to the statewide assessment under IC 20-51.4-3-9."**

Page 28, line 26, delete "Savings" and insert "Scholarship".

Page 28, line 28, delete "savings" and insert "scholarship".

Page 28, line 29, delete "established." and insert "established to provide grants to a parent of an eligible student or an emancipated student under IC 20-51.4-4 after June 30, 2022."

Page 28, line 32, delete "shall" and insert "may".

Page 28, line 37, after "state;" insert "and".

Page 28, line 38, delete "principles; and" and insert "principles."

Page 28, delete lines 39 through 41.

Page 29, delete lines 10 through 18.

Page 29, line 19, delete "5. (a) The" and insert "4. (a) After June 30, 2022, the".

Page 29, line 28, delete "program." and insert "program or the education experience of the eligible student or the eligible student's family."

Page 29, line 29, delete "2021," and insert "2022,".

Page 29, line 34, delete "6." and insert "5."

Page 30, between lines 7 and 8, begin a new line block indented and insert:

**"(7) Resources the family of an eligible student described in IC 20-51.4-2-6(3)(A) or IC 20-51.4-2-6(3)(C) can access to learn about advocacy groups available to provide information and**

resources to the eligible student's family."

Page 30, line 8, delete "7." and insert "6."

Page 30, line 11, after "petition" insert "the council".

Page 30, line 12, delete "IC 20-51.4-2-9(1) through" and insert "IC 20-51.4-2-11(1) through IC 20-51.4-2-11(17)".

Page 30, delete line 13.

Page 30, between lines 13 and 14, begin a new paragraph and insert:

"Sec. 7. (a) The Indiana education scholarship account program advisory council is established to:

(1) provide guidance on the implementation of the program as well as to provide recommendations for program improvements to the treasurer of state and, in an electronic format under IC 5-14-6, to the general assembly; and

(2) review a summary of the surveys administered by the treasurer of state under section 4 of this chapter and make recommendations to the department or, in an electronic format under IC 5-14-6, to the general assembly, to improve the educational experience offered by the program.

(b) The council consists of the following members:

(1) A representative of the treasurer of state's office, appointed by the treasurer of state.

(2) A representative of the department, appointed by the secretary of education.

(3) A representative of the Indiana Council of Administrators of Special Education (ICASE), appointed by the secretary of education.

(4) One (1) member who is a representative of a statewide advocacy organization for individuals with intellectual and developmental disabilities, appointed by the treasurer of state.

(5) One (1) member who is a representative of an organization advocating for foster children, appointed by the treasurer of state.

(6) One (1) member who is a representative of an organization advocating for military families, appointed by the treasurer of state.

(7) One (1) member who must be the parent of an eligible student described in IC 20-51.4-2-6(3)(A), appointed by the president pro tempore of the senate.

(8) One (1) member who must be the parent of an eligible student described in IC 20-51.4-2-6(3)(B), appointed by the president pro tempore of the senate.

(9) One (1) member who must be the parent of an eligible student described in IC 20-51.4-2-6(3)(C), appointed by the president pro tempore of the senate.

(10) Two (2) members who are parents of an eligible student described in IC 20-51.4-2-6(3)(A), IC 20-51.4-2-6(3)(B), or IC 20-51.4-2-6(3)(C), appointed by the speaker of the house of representatives.

(11) One (1) member who is a representative of nonpublic schools appointed by the secretary of education.

(12) One (1) member who is an eligible student, appointed by the speaker of the house of representatives.

(c) The member described in subsection (b)(1) shall act as chairperson of the council. The council shall meet at the call of the chairperson. The treasurer of state shall provide staffing support for the council. A majority of the entire membership of the council shall constitute a quorum. No action of the council shall be valid unless approved by at least seven (7) members.

(d) The council shall make recommendations to the treasurer of state regarding the establishment of a program handbook.

Sec. 8. (a) The department shall provide services that offer objective advice upon request to parents of an eligible

student or an emancipated eligible student relating to services that can help meet the eligible student's or emancipated eligible student's particular needs.

(b) The department may contract with a third party provider to provide the services described in subsection (a).

Sec. 9. The department shall maintain a list of assessments that are correlated to the statewide assessment, and upon request from a school, perform an assessment correlation if the assessment correlation is feasible."

Page 30, line 14, delete "Savings" and insert "Scholarship".

Page 30, line 15, delete "A" and insert "After June 30, 2022, a".

Page 30, line 16, delete "savings" and insert "scholarship".

Page 30, line 19, after "state." insert "The account of an eligible student shall be made in the name of the eligible student."

Page 30, line 29, delete "and".

Page 30, line 40, delete "29 U.S.C. 794." and insert "29 U.S.C. 794; and".

Page 30, between lines 40 and 41, begin a new line block indented and insert:

"(4) the eligible student will not be enrolled in a school that receives tuition support under IC 20-43."

Page 31, line 11, after "year." insert "An eligible student may not receive a grant under section 3 of this chapter if the eligible student is currently included in a school corporation's ADM count under IC 20-43-4."

Page 31, line 29, delete "one (1) year" and insert "three hundred ninety-five (395) days".

Page 32, line 18, delete "The treasurer of" and insert "The treasurer of state may deduct an amount of not more than one and five-tenths percent (1.5%) from each quarterly distribution to accounts under this article to cover the costs of managing the accounts and administering the program. However, the amount deducted under this subsection may not exceed a maximum annual fee amount of two hundred fifty thousand dollars (\$250,000). The administrative fees collected under this subsection must be reduced proportionately in a manner necessary to comply with the maximum annual fee amount requirements."

Page 32, delete lines 19 through 22.

Page 32, delete lines 30 through 36, begin a new paragraph and insert:

"Sec. 3. (a) Subject to sections 4 and 11 of this chapter, the annual grant amount under section 2 of this chapter for an eligible student who attends a qualified school equals, subject to subsection (b), ninety percent (90%) of the amount determined in the last STEP of the following formula:

STEP ONE: Determine the school corporation in which the eligible student has legal settlement.

STEP TWO: Determine the amount of state tuition support that the school corporation identified under STEP ONE is eligible to receive under IC 20-43-6 for the state fiscal year in which the immediately preceding school year begins. The amount does not include amounts provided for special education grants under IC 20-43-7, career and technical education grants under IC 20-43-8, or grants under IC 20-43-10.

STEP THREE: Determine the result of:

(A) the STEP TWO amount; divided by

(B) the current ADM (as defined in IC 20-43-1-10) for the school corporation identified under STEP ONE for the state fiscal year used in STEP TWO."

Page 32, line 37, delete "If" and insert "An eligible student may choose to receive special education services from the school corporation required to provide the special education services to the eligible student under 511 IAC 7-34-1. However, if"

Page 33, line 10, after "agreement." insert "In the event an

eligible student's account is terminated because the eligible student enrolls in a school that receives tuition support under IC 20-43, the balance in the account at the time the account is terminated shall be transferred to the school corporation or charter school in which the eligible student enrolls."

Page 33, line 30, after "provider." insert "However, the treasurer of state, in consultation with the department, shall establish criteria and a process by which a parent of an eligible student described in IC 20-51.4-2-6(3)(A) may receive a waiver from the limit imposed on transportation fees under this section."

Page 34, line 30, delete "thirty (30)" and insert "fifteen (15)".

Page 35, line 7, after "chapter" insert "or money in the account".

Page 35, line 42, delete "511 IAC 7-34." and insert "511 IAC 7-34 or generally accepted standards of care prescribed by the eligible student's treating physician."

Page 36, line 27, delete "the tests" and insert "the statewide assessment or an assessment that is correlated to the statewide assessment unless otherwise prescribed by the eligible student's:".

Page 36, delete lines 28 through 31.

Page 36, line 38, delete "the ILEARN program test results," and insert "the statewide assessment or an assessment that is correlated to the statewide assessment test results,".

Page 36, line 42, delete "the ILEARN program test results" and insert "the statewide assessment or an assessment that is correlated to the statewide assessment test results".

Page 38, line 2, after "1." insert "(a)".

Page 38, after line 3, begin a new paragraph and insert:

"(b) The state board shall adopt rules under IC 4-22-2 to establish a procedure to establish an Indiana education scholarship account education service plan for an eligible student defined in IC 20-51.4-2-6(3)(A).

SECTION 14. [EFFECTIVE JULY 1, 2021] (a) There is appropriated to the treasurer of state five million dollars (\$5,000,000) from the state general fund for use in implementing the Indiana education savings account program under IC 20-51.4, as added by this act, beginning July 1, 2021, and ending June 30, 2022.

(b) This SECTION expires July 1, 2022."

Re-number all SECTIONS consecutively.

(Reference is to HB 1005 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1120, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1120 as introduced.)

Committee Vote: Yeas 12, Nays 0.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 2-2.1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Bill" includes a bill and a joint resolution.

(2) "Term of the general assembly" means that two (2) year period of time extending from the first Wednesday after the first Monday in November of any even-numbered year until, but not including, the first Wednesday after the first Monday in November of the next even-numbered year.

(3) "Session" refers to any of the following:

(A) A regular session of the general assembly.

(B) A regular technical session or of the general assembly.

(C) An emergency session of the general assembly convened under IC 2-2.1-1.2.

(D) A special session of the general assembly.

(4) "Special session" means that period of time during which the general assembly is convened in session upon the proclamation and call of the governor under Article 4, Section 9 of the Constitution of the State of Indiana.

SECTION 2. IC 2-2.1-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Length and Frequency of Sessions: Special Session:~~ A special session of the General Assembly, called by the Governor as provided in Article 4, Section 9 of the Constitution of the State of Indiana:

(1) may convene at any time during the thirty (30) days after which the Governor issues a proclamation that calls for a special session of the general assembly; and

(2) shall continue for not more than thirty (30) session days nor more than forty (40) calendar days following the day upon which it is commenced.

SECTION 3. IC 2-2.1-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies only to those bills or joint resolutions which pass during the two (2) days before the sine die adjournment of a regular or special session of the general assembly. This section does not apply to bills passed during a regular technical session.

(b) The presiding officers of the house of representatives and the senate shall sign each bill or joint resolution passed under Article 4, Section 25 of the Constitution of the State of Indiana as soon as practicable, but not later than seven (7) calendar days after sine die adjournment of the session of the general assembly at which the bill was passed.

(c) A bill that has been signed under subsection (b) must be presented to the governor as soon as practicable, but not later than seven (7) calendar days after sine die adjournment of the session of the general assembly at which the bill was passed.

SECTION 4. IC 2-2.1-1.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### Chapter 1.2. Emergency Sessions

Sec. 1. As used in this chapter, "emergency session" refers to a session of the general assembly convened under this chapter.

Sec. 2. As used in this chapter, "legislative council" refers to the legislative council created under IC 2-5-1.1-1.

Sec. 3. As used in this chapter, "presiding officer" refers to the following:

(1) For the house of representatives, the speaker of the house.

(2) For the senate, the president pro tempore of the senate.

Sec. 4. As used in this chapter, "state of emergency" refers to an emergency declared by the governor under IC 10-14-3.

Sec. 5. (a) The general assembly shall convene under this



chapter if the legislative council adopts a resolution that finds both of the following:

(1) The governor has declared a state of emergency that affects all of Indiana.

(2) It is necessary for the general assembly to address the state of emergency with legislative action.

(b) A resolution of the legislative council adopted under this section must state all of the following:

(1) The reasons that the general assembly should convene to address the state of emergency.

(2) The date, time, and place that each house of the general assembly will convene.

(3) The general assembly's agenda for addressing the state of emergency.

(c) The legislative services agency shall file a copy of the legislative council's resolution with the secretary of state.

Sec. 6. The presiding officers shall convene their respective houses in session on the date, time, and place specified in the legislative council's resolution.

Sec. 7. (a) An emergency session may not continue for more than forty (40) calendar days after the day the session first convenes.

(b) The general assembly must adjourn sine die not later than ten (10) calendar days following the day upon which the state of emergency ends as provided in IC 10-14-3.

Sec. 8. (a) The general assembly may enact only bills relating to the agenda stated in the legislative council's resolution during an emergency session.

(b) The general assembly may adopt concurrent resolutions during an emergency session.

(c) Each house may adopt simple resolutions during an emergency session.

SECTION 5. IC 2-5-1.1-5, AS AMENDED BY P.L.84-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The council may do any of the following:

(1) On its own initiative or at the direction of the general assembly or of the senate or house of representatives, study subjects of interest and concern, and based on such a study, recommend such legislation as the welfare of the state may require.

(2) Direct standing committees of the senate or house of representatives, or appoint committees and subcommittees subject to the authority of the council, to carry out studies on subjects of interest and concern.

(3) Recommend such codification and general revision of the constitution and the laws of the state as may from time to time be necessary.

(4) Require any officer or agency, board, commission, committee or other instrumentality of the state or of a political subdivision of the state to provide information bearing on subjects under consideration by the council or by standing committee or any of its committees or subcommittees.

(5) By an affirmative vote of two-thirds (2/3) of its members present and voting:

(A) administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony and have the deposition of witnesses taken in the manner prescribed by law for taking depositions in civil actions bearing on subjects under consideration by the council or by any of its committees or subcommittees; and

(B) petition, through the presiding officer of the council, any circuit court, superior court, or probate court of the appropriate county for an order for compliance with any order or subpoenas issued under this section.

(6) Adopt such rules and procedures and organize such agencies as may be necessary or appropriate to carry out

its duties.

(7) Receive appropriations and make allocations for the reasonable and necessary expenditures of the council and the standing and interim committees of the house of representatives, senate and general assembly.

(8) Enter into whatever contracts or other arrangements deemed by it to be necessary or appropriate to exercising its rights, privileges, and powers and performing its duties under this chapter and IC 2-6-1.5 and to carrying out the intent, purposes, and provisions of this chapter and IC 2-6-1.5. ~~and~~

(9) Initiate sessions of the general assembly under IC 2-2.1-1.2-5.

~~(9)~~ (10) Do all other things necessary and proper to perform the functions of the legislative department of government and to carry out the intent, purposes and provisions of this chapter.

(b) The council may authorize its executive director to act on its behalf and with its authority on any matter of administration under this chapter and under IC 2-6-1.5, including executing and implementing any contract or other arrangement under which it agrees to be bound.

SECTION 6. IC 2-6-1.5-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.7. As used in this chapter, "session" has the meaning set forth in IC 2-2.1-1-1.

SECTION 7. IC 10-14-3-33.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33.3. (a) As used in this section, "emergency" refers to any of the following declared under this chapter:

(1) A disaster emergency.

(2) An energy emergency.

(3) A local disaster emergency.

(b) The state, a political subdivision, or an officer or employee of the state or a political subdivision may not restrict the right of the people to worship or to worship in person during an emergency.

SECTION 8. IC 16-20-1-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.5. (a) This section applies only if the governor has declared an emergency under IC 10-14-3.

(b) As used in this section, "executive order" refers to an executive order issued by the governor under IC 10-14-3.

(c) As used in this section, "order" refers to the health laws, ordinances, orders, rules, and regulations of a board of health under this chapter.

(d) An order that deals with the same matter as an executive order may be less stringent than the executive order to the extent permitted by the executive order.

(e) An order that deals with the same matter as an executive order may not be more stringent than the executive order unless either of the following applies:

(1) If the order is issued by the health department of a county, the order must be approved by the county executive.

(2) If the order is issued by the health department of a city, the order must be approved by an ordinance adopted by the city legislative body and approved by the mayor.

SECTION 9. IC 16-22-8-31.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.3. (a) This section applies only if the governor has declared an emergency under IC 10-14-3.

(b) As used in this section, "executive order" refers to an executive order issued by the governor under IC 10-14-3.

(c) As used in this section, "order" refers to the health laws, ordinances, orders, rules, and regulations issued under

this chapter.

**(d) An order that deals with the same matter as an executive order may be less stringent than the executive order to the extent permitted by the executive order.**

**(e) An order that deals with the same matter as an executive order may not be more stringent than the executive order unless the order is approved by an ordinance adopted by the city-county legislative body and approved by the executive of the consolidated city.**

**SECTION 10. An emergency is declared for this act."**

Delete pages 2 through 5.

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

LEONARD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1176, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1176 as introduced.)

Committee Vote: Yeas 11, Nays 1.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1198, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 40, after "was" insert **"at least fourteen (14) years of age but"**.

Page 7, line 11, delete "or".

Page 7, line 12, delete "offense." and insert **"offense; or"**.

Page 7, between lines 12 and 13, begin a new line block indented and insert:

**"(4) the victim discloses the nature of the offense involving the person."**

(Reference is to HB 1198 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1202, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 11-13-9-2, AS AMENDED BY P.L.74-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) As used in this section, the years of an inmate's confinement are "consecutive" if:

(1) the inmate has remained in the continuous custody of the department for the requisite length of time; or

(2) the inmate would have remained in the continuous custody of the department for the requisite length of time,

but:

(A) was released from the custody of the department on the basis of an erroneous court order; and

(B) returned to the custody of the department not later than seventy-two (72) hours after the erroneous court order was rescinded.

(b) Notwithstanding any other law, as soon as practicable after an inmate has been confined to the custody of the department for:

(1) twenty-five (25) consecutive years;

(2) twenty-four (24) consecutive years if the inmate has received one (1) year of educational credit under IC 35-50-6-3.3;

(3) twenty-three (23) consecutive years if the inmate has received two (2) years of educational credit under IC 35-50-6-3.3;

(4) twenty-two (22) consecutive years if the inmate has received three (3) years of educational credit under IC 35-50-6-3.3; or

(5) twenty-one (21) consecutive years if the inmate has received four (4) years of educational credit under IC 35-50-6-3.3;

the department shall identify the inmate to the parole board and provide the parole board with the inmate's offender progress report.

**(c) This subsection only applies to section 5.5 of this chapter. Notwithstanding any other law, as soon as practicable after an inmate has been confined to the custody of the department for:**

**(1) fifteen (15) consecutive years;**

**(2) fourteen (14) consecutive years if the inmate has received one (1) year of educational credit under IC 35-50-6-3.3;**

**(3) thirteen (13) consecutive years if the inmate has received two (2) years of educational credit under IC 35-50-6-3.3;**

**(4) twelve (12) consecutive years if the inmate has received three (3) years of educational credit under IC 35-50-6-3.3; or**

**(5) eleven (11) consecutive years if the inmate has received four (4) years of educational credit under IC 35-50-6-3.3;**

**the department shall identify the inmate to the parole board and provide the parole board with the inmate's offender progress report.**

SECTION 2. IC 11-13-9-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5.5. (a) Notwithstanding IC 1-1-5.5-21, this section applies to a person serving a sentence for the following offenses committed before July 1, 2014:**

**(1) Theft (IC 35-43-4-2).**

**(2) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).**

**(3) Dealing in methamphetamine (IC 35-48-4-1.1).**

**(4) Dealing in a schedule I, II, or III controlled substance or controlled substance analog (IC 35-48-4-2).**

**(5) Dealing in a schedule IV controlled substance or controlled substance analog (IC 35-48-4-3).**

**(6) Dealing in a schedule V controlled substance or controlled substance analog (IC 35-48-4-4).**

**(7) Possession of cocaine or a narcotic drug (IC 35-48-4-6).**

**(8) Possession of methamphetamine (IC 35-48-4-6.1).**

**(9) Possession of a controlled substance or controlled substance analog; obtaining a schedule V controlled substance (IC 35-48-4-7).**

**(10) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).**

(11) Possession of marijuana, hash oil, hashish, or salvia (IC 35-48-4-11).

(b) This section does not apply to the following:

(1) An inmate or a person described in section 1 of this chapter.

(2) An inmate who is a violent criminal (as defined in IC 35-38-1-17).

(3) An inmate who has a prior unrelated conviction for:

(A) a violent offense (as defined in IC 11-12-3.7-6);

(B) battery (IC 35-42-2-1);

(C) domestic battery (IC 35-42-2-1.3); or

(D) strangulation (IC 35-42-2-9).

(c) Upon recommendation by the warden, the parole board may consider all relevant factors in determining whether the inmate is to be discharged under this section and must consider a community investigation report submitted to the parole board. The parole board may give special consideration to an inmate who demonstrates one (1) or more of the following:

(1) A good conduct history during confinement.

(2) Proof that the inmate will have suitable living quarters in a community if the inmate is discharged.

(3) Proof that one (1) or more employers in the area in which the inmate would reside if discharged have offered to employ the inmate for at least thirty (30) hours a week on the same terms as the employer employs other employees.

(4) Proof that the inmate:

(A) is at least a high school graduate; or

(B) has obtained:

(i) a general equivalency degree; or

(ii) a state of Indiana general educational development (GED) diploma.

(d) After considering all relevant factors under subsection (c), the parole board may discharge an inmate to whom this section applies and require that the inmate receive post-incarceration reentry services if the sentence an inmate has served, including any credit time earned or accrued, for an offense committed before July 1, 2014, is at least seventy-five percent (75%) of the current advisory sentence for the offense on the date the inmate files for a petition for discharge under this chapter. However, the parole board shall not discharge an inmate as described in this section if the inmate's conduct while confined establishes that the inmate has not been properly rehabilitated or continues to pose a significant threat to public safety.

(e) If an inmate has served a sentence for an offense described in this section that was committed before July 1, 2014, that meets or exceeds seventy-five percent (75%) of the maximum sentence for the same offense that the inmate is currently seeking relief for as described in subsection (d), the parole board may discharge and release the inmate from the inmate's entire sentence."

Delete pages 2 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1202 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1256, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 1, after line 9, begin a new paragraph and insert:

"SECTION 2. An emergency is declared for this act."

(Reference is to HB 1256 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1434, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 18, delete "IC 6-7-4." and insert "IC 6-7-2."

Page 4, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 4. IC 6-7-1-28.1, AS AMENDED BY P.L.213-2015, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28.1. The taxes, registration fees, fines, or penalties collected under this chapter shall be deposited in the following manner:

(1) ~~Four and twenty-two hundredths percent (4.22%)~~ **Two and fifty-nine hundredths percent (2.59%)** of the money shall be deposited in a fund to be known as the cigarette tax fund.

(2) ~~Six-tenths percent (0.6%)~~ **Thirty-seven hundredths percent (0.37%)** of the money shall be deposited in a fund to be known as the mental health centers fund.

(3) The following amount of the money shall be deposited in the state general fund:

(A) After June 30, 2011, and before July 1, 2013, sixty and twenty-four hundredths percent (60.24%).

(B) After June 30, 2013, **and before July 1, 2021**, fifty-six and twenty-four hundredths percent (56.24%).

(C) **After June 30, 2021, thirty-four and fifty-one hundredths percent (34.51%)**.

(4) ~~Five and forty-three hundredths percent (5.43%)~~ **Three and thirty-three hundredths percent (3.33%)** of the money shall be deposited into the pension relief fund established in IC 5-10.3-11.

(5) ~~Twenty-seven and five hundredths percent (27.05%)~~ **Sixteen and six-tenths percent (16.6%)** of the money shall be deposited in the healthy Indiana plan trust fund established by IC 12-15-44.2-17.

(6) ~~Two and forty-six hundredths percent (2.46%)~~ **Forty and fifteen hundredths percent (40.15%)** of the money shall be deposited in the state general fund for the purpose of paying appropriations for Medicaid—Current Obligations, for provider reimbursements.

(7) The following amount of the money shall be deposited in the state retiree health benefit trust fund established by IC 5-10-8-8.5 as follows:

(A) Before July 1, 2011, five and seventy-four hundredths percent (5.74%).

(B) After June 30, 2011, and before July 1, 2013, zero percent (0%).

(C) After June 30, 2013, **and before July 1, 2021**, four percent (4%).

(D) **After June 30, 2021, two and forty-five hundredths percent (2.45%)**.

The money in the cigarette tax fund, the mental health centers fund, the healthy Indiana plan trust fund, or the pension relief fund at the end of a fiscal year does not revert to the state general fund. However, if in any fiscal year, the amount allocated to a fund under subdivision (1) or (2) is less than the amount received in fiscal year 1977, then that fund shall be credited with the difference between the amount allocated and the amount received in fiscal year 1977, and the allocation for

the fiscal year to the fund under subdivision (3) shall be reduced by the amount of that difference. Money deposited under subdivisions (6) through (7) may not be used for any purpose other than the purpose stated in the subdivision.

SECTION 5. IC 6-7-2-5, AS AMENDED BY P.L.172-2011, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. As used in this chapter, "tobacco product" means:

- (1) any product made from tobacco, other than a cigarette (as defined in IC 6-7-1-2), that is made for smoking, chewing, or both; or
- (2) snuff, including moist snuff;
- (3) e-liquid (as defined in IC 7.1-7-2-10); or
- (4) electronic cigarettes (as defined in IC 35-46-1-1.5).

SECTION 6. IC 6-7-2-6, AS AMENDED BY P.L.155-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. As used in this chapter, "wholesale price" means:

- (1) Except as provided in subdivision (2), the net price shown on an invoice and at which the manufacturer of the tobacco products sells tobacco products to distributors, excluding any discount or other reduction that is not shown on the invoice.
- (2) For tobacco products manufactured and sold in Indiana directly from the manufacturer to the ultimate consumer, the net price paid by the ultimate consumer, excluding any discount or other price reduction.

SECTION 7. IC 6-7-2-7, AS AMENDED BY P.L.205-2013, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) A tax is imposed on the distribution of tobacco products in Indiana at the rate of:

- (1) ~~twenty-four~~ ~~thirty-nine~~ percent (~~24%~~) (39%) of the wholesale price of tobacco products other than moist snuff; or
- (2) for moist snuff, forty cents (\$0.40) per ounce, and a proportionate tax at the same rate on all fractional parts of an ounce. If the tax calculated for a fractional part of an ounce carried to the third decimal place results in the numeral in the third decimal place being greater than four (4), the amount of the tax shall be rounded to the next additional cent.

(b) The distributor of the tobacco products, including a person that sells tobacco products through an Internet web site, is liable for the tax imposed under subsection (a). The tax is imposed at the time the distributor:

- (1) brings or causes tobacco products to be brought into Indiana for distribution;
- (2) manufactures tobacco products in Indiana for distribution; or
- (3) transports tobacco products to retail dealers in Indiana for resale by those retail dealers.

(c) The Indiana general assembly finds that the tax rate on smokeless tobacco should reflect the relative risk between such products and cigarettes."

Delete pages 5 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1434 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

BARRETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1514, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-24-2.2-2 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 2: (a) The minimum standard for renewal and the standard to avoid closure imposed by authorizers on a charter school is a requirement that the charter school not remain in the lowest category or designation of school improvement; including any alternative accountability category or designation; in the third year after initial placement in the lowest category or designation established under IC 20-31-8-4.

(b) An authorizer of a charter school that does not meet the minimum standard for charter school renewal described in subsection (a) may petition the state board at any time to request permission to renew the charter school's charter notwithstanding the fact that the charter school does not meet the minimum standard. If timely notification is made, the state board shall hold a hearing under section 2.5 of this chapter to consider the authorizer's request at the state board's next regularly scheduled board meeting.

(c) In determining whether to grant a request under subsection (b); the state board shall consider the following:

- (1) Enrollment of students with special challenges; such as drug or alcohol addiction; prior withdrawal from school; prior incarceration; or other special circumstances;
- (2) High mobility of the student population resulting from the specific purpose of the charter school;
- (3) Annual improvement in the performance of students enrolled in the charter school; as measured under IC 20-31-8; compared with the performance of students enrolled in the charter school in the immediately preceding school year.

SECTION 2. IC 20-24-2.2-2.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 2.5: (a) If the state board grants a petition request under section 2 of this chapter, the state board shall:

- (1) hold a hearing; and
- (2) implement one (1) or more of the following actions:
  - (A) Require the implementation of a charter school improvement plan;
  - (B) Order the reduction of any administrative fee collected under IC 20-24-7-4 that is applicable to the charter school. The reduction must become effective at the beginning of the month following the month of the authorizer's hearing before the state board;
  - (C) Prohibit or limit the enrollment of new students in the charter school;
  - (D) Cancel the charter between the authorizer and organizer;
  - (E) Order the closure of the charter school at the end of the current school year.

A charter school that is closed by the state board under this section may not be granted a charter by any authorizer.

(b) In determining which action to implement under subsection (a)(2); the state board shall consider the following:

- (1) Enrollment of students with special challenges; such as drug or alcohol addiction; prior withdrawal from school; prior incarceration; or other special circumstances;
- (2) High mobility of the student population resulting from the specific purpose of the charter school;
- (3) Annual improvement in the performance of students enrolled in the charter school; as measured by IC 20-31-8-1; compared with the performance of students enrolled in the charter school in the immediately preceding school year.

SECTION 3. IC 20-24-2.2-4 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 4: If any authorizer renews the charter of; fails to close; or grants a new charter to a charter school that the state board has ordered closed under section 2.5 of this chapter; the authorizer's authority to authorize new charter schools may be suspended by the state board until such a time as the state board formally approves the authorizer to authorize new charter schools. A determination under this section to suspend an

authorizer's authority to authorize new charter schools must identify the deficiencies that, if corrected, will result in the approval of the authorizer to authorize new charter schools.

SECTION 4. IC 20-24-2.2-6 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 6: (a) If deficiencies identified under section 4 of this chapter are not corrected within two (2) years after the date the state board suspends the authorizer's authority to authorize new charter schools in a final order under section 4 of this chapter, the state board, following an affirmative vote of two-thirds (2/3) of the members, may revoke the authorizer's authority to function as an authorizer. The state board shall take all necessary steps to decommission the authorizer, including overseeing the orderly winding up of authorization activities or responsibilities, and ensuring the transfer of any charter school records or administrative fees due under IC 20-24-7-4 in the authorizer's custody.

(b) Charter schools authorized by an authorizer that has been decommissioned under subsection (a) must apply to be approved by another authorizer within one hundred fifty (150) days after the date the state board revokes the authorizer's authority to function as an authorizer, regardless of whether the state board has begun the process of winding up authorization activities of the authorizer. A charter school that is not approved under this subsection must close at the end of the charter school's current school year containing the date in which the charter school's application under this subsection is disapproved. A charter school that is closed by the state board under section 2.5 of this chapter may not be approved by another authorizer under this subsection.

SECTION 5. IC 20-24-4-1, AS AMENDED BY P.L.211-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) A charter must meet the following requirements:

- (1) Be a written instrument.
- (2) Be executed by an authorizer and an organizer.
- (3) Confer certain rights, franchises, privileges, and obligations on a charter school.
- (4) Confirm the status of a charter school as a public school.
- (5) Subject to subdivisions subdivision (6)(E), and (17); be granted for:
  - (A) not less than three (3) years or more than seven (7) years; and
  - (B) a fixed number of years agreed to by the authorizer and the organizer.
- (6) Provide for the following:
  - (A) A review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect.
  - (B) Renewal, if the authorizer and the organizer agree to renew the charter.
  - (C) The renewal application must include guidance from the authorizer, and the guidance must include the performance criteria that will guide the authorizer's renewal decisions.
  - (D) The renewal application process must, at a minimum, provide an opportunity for the charter school to:
    - (i) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;
    - (ii) describe improvements undertaken or planned for the charter school; and
    - (iii) detail the charter school's plans for the next charter term.
  - (E) Not later than the end of the calendar year in which the charter school seeks renewal of a charter, the governing board of a charter school seeking renewal

shall submit a renewal application to the charter authorizer under the renewal application guidance issued by the authorizer. The authorizer shall make a final ruling on the renewal application not later than April 1 after the filing of the renewal application. A renewal granted under this clause is not subject to the three (3) year minimum described in subdivision (5). The April 1 deadline does not apply to any review or appeal of a final ruling. After the final ruling is issued, the charter school may obtain further review by the authorizer of the authorizer's final ruling in accordance with the terms of the charter school's charter and the protocols of the authorizer.

- (7) Specify the grounds for the authorizer to:
  - (A) revoke the charter before the end of the term for which the charter is granted; or
  - (B) not renew a charter.
- (8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:
  - (A) Evidence of improvement in:
    - (i) assessment measures, including the statewide assessment program measures;
    - (ii) attendance rates;
    - (iii) graduation rates (if appropriate);
    - (iv) increased numbers of Indiana diplomas with a Core 40 designation and other college and career ready indicators including advanced placement participation and passage, dual credit participation and passage, and International Baccalaureate participation and passage (if appropriate);
    - (v) increased numbers of Indiana diplomas with Core 40 with academic honors and technical honors designations (if appropriate);
    - (vi) student academic growth;
    - (vii) financial performance and stability; and
    - (viii) governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.
  - (B) Evidence of progress toward reaching the educational goals set by the organizer.
- (9) Describe the method to be used to monitor the charter school's:
  - (A) compliance with applicable law; and
  - (B) performance in meeting targeted educational performance.
- (10) Specify that the authorizer and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.
- (11) Describe specific operating requirements, including all the matters set forth in the application for the charter.
- (12) Specify a date when the charter school will:
  - (A) begin school operations; and
  - (B) have students attending the charter school.
- (13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.
- (14) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.
- (15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.
- (16) This subdivision applies to a charter established or renewed for an adult high school after June 30, 2014. The charter must require:
  - (A) that the school will offer flexible scheduling;

(B) that students will not complete the majority of instruction of the school's curriculum online or through remote instruction;

(C) that the school will offer dual credit or industry certification course work that aligns with career pathways as recommended by the Indiana career council established by IC 22-4.5-9-3 (**expired**); and

(D) a plan:

(i) to support successful program completion and to assist transition of graduates to the workforce or to a postsecondary education upon receiving a diploma from the adult high school; and

(ii) to review individual student accomplishments and success after a student receives a diploma from the adult high school.

~~(17) This subdivision applies to a charter between an authorizer and an organizer of a charter school granted or renewed after June 30, 2019. The charter must require that:~~

~~(A) a charter school comply with actions implemented by the state board under IC 20-24-2.2-2.5; and~~

~~(B) if the state board implements closure of the charter school under IC 20-24-2.2-2.5, the charter is revoked at the time the charter school closes.~~

(b) A charter school shall set annual performance targets in conjunction with the charter school's authorizer. The annual performance targets shall be designed to help each school meet applicable federal, state, and authorizer expectations.

SECTION 6. IC 20-25-10-1, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The board shall modify, develop, and implement a plan for the improvement of student achievement in the schools in the school city.

(b) A plan modified, developed, and implemented under this chapter must be consistent with this article and with IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10.

SECTION 7. IC 20-25-10-3, AS AMENDED BY P.L.1-2006, SECTION 323, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The board shall:

(1) modify, develop, and publish the plan required under this chapter; and

(2) implement the modified plan;

in compliance with the timelines of IC 20-31-1, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10.

SECTION 8. IC 20-25-10-5, AS AMENDED BY P.L.233-2015, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The board shall annually assess and evaluate educational programs offered by the school city to determine:

(1) the relationship of the programs to improved student achievement; and

(2) the educational value of the programs in relation to cost.

(b) The board may obtain information from:

(1) educators in the schools offering a program;

(2) students participating in a program; and

(3) the parents of students participating in a program;

in preparing an assessment and evaluation under this section. The assessment must include the performance of the school's students in achieving student performance improvement levels under IC 20-31-1, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, IC 20-31-10, and IC 20-25-11.

SECTION 9. IC 20-25-11-1, AS AMENDED BY P.L.244-2017, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The board shall establish annual student performance improvement levels for each school that are not less rigorous than the student

performance improvement levels under IC 20-31-1, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10, including the following:

(1) For students:

(A) improvement in results on assessment tests and assessment programs;

(B) improvement in attendance rates; and

(C) improvement in progress toward graduation.

(2) For teachers:

(A) improvement in student results on assessment tests and assessment programs;

(B) improvement in the number and percentage of students achieving:

(i) state achievement standards; and

(ii) if applicable, performance levels set by the board;

on assessment tests;

(C) improvement in student progress toward graduation;

(D) improvement in student attendance rates for the school year;

(E) improvement in individual teacher attendance rates;

(F) improvement in:

(i) communication with parents; and

(ii) parental involvement in classroom and extracurricular activities; and

(G) other objectives developed by the board.

(3) For the school and school administrators:

(A) improvement in student results on assessment tests, totaled by class and grade;

(B) improvement in the number and percentage of students achieving:

(i) state achievement standards; and

(ii) if applicable, performance levels set by the board;

on assessment tests, totaled by class and grade;

(C) improvement in:

(i) student graduation rates; and

(ii) progress toward graduation;

(D) improvement in student attendance rates;

(E) management of:

(i) education fund expenditures;

(ii) operations fund expenditures; and

(iii) total expenditures;

per student;

(F) improvement in teacher attendance rates; and

(G) other objectives developed by the board.

SECTION 10. IC 20-25-12-1, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10 apply to the school city. The composition of a local school improvement committee is determined under IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10.

(b) The plan developed and implemented by the board under IC 20-25-10 must contain general guidelines for decisions by the educators in each school to improve student achievement in the school.

(c) The board's plan shall provide for the publication to other schools in the school city and to the general community those:

(1) processes;

(2) innovations; and

(3) approaches;

that have led individual schools to significant improvement in student achievement.

SECTION 11. IC 20-25-13-7, AS AMENDED BY P.L.1-2006, SECTION 326, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. IC 20-28-6-4 and IC 20-28-6-5 apply to certificated employees in the school city. A teacher's students' performance improvement levels under the assessment tests and programs of IC 20-31-1, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10 may be used as a factor, but not the only factor, to evaluate the performance of a teacher in the school city.

SECTION 12. IC 20-25-15-1, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. ~~In addition to the consequences of IC 20-31-9~~, The board shall place a school in the school city in academic receivership if the school fails for any two (2) consecutive school years to meet student performance improvement levels.

SECTION 13. IC 20-25-15-3, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) If a school is placed in academic receivership, the superintendent and the board must take action to raise the school's level of performance.

(b) ~~In addition to the consequences of IC 20-31-9~~, The actions that the superintendent and the board may take to raise the performance of a school in academic receivership include the following:

- (1) Shifting resources of the school city to the school.
- (2) Changing or removing:
  - (A) the school principal;
  - (B) teachers;
  - (C) administrators; or
  - (D) other staff.
- (3) Establishing a new educational plan for the school.
- (4) Requiring the superintendent or another school city appointee to administer the school until the academic receivership status of the school is removed.
- (5) Contracting with a:
  - (A) for-profit organization;
  - (B) nonprofit organization; or
  - (C) individual;
 to manage the school.
- (6) Closing the school.
- (7) Any other management, personnel, or policy changes that the superintendent and board expect in the following school year to:
  - (A) raise the performance of the school; and
  - (B) avoid continuing academic receivership status for the school.

(c) If this chapter is inconsistent with any other law relating to:

- (1) education;
- (2) teachers; or
- (3) common schools;

this chapter governs.

SECTION 14. IC 20-25.7-5-5, AS AMENDED BY P.L.155-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) IC 20-24-5-5 (with the exception of IC 20-24-5-5(f)) does not apply to a participating innovation network charter school that enters into an agreement with the board to reconstitute or establish an eligible school.

(b) Except as provided in subsections (c) and (d), a participating innovation network charter school must enroll any eligible student who submits a timely application for enrollment.

(c) A participating innovation network charter school that reconstitutes or establishes an eligible school may limit new admissions to the participating innovation network charter school to:

- (1) ensure that any student with legal settlement in the attendance area, or in the school corporation if the school does not have a defined attendance area, may attend the charter school;
- (2) ensure that a student who attends the participating

innovation network charter school during a school year may continue to attend the charter school in subsequent years;

(3) allow the siblings of a student alumnus or a current student who attends the participating innovation network charter school to attend the charter school;

(4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program preschool to attend kindergarten at the participating innovation network charter school if the participating innovation network charter school and the school corporation or preschool provider have entered into an agreement to share services or facilities;

(5) allow each student who qualifies for free or reduced price lunch under the national school lunch program to receive preference for admission to the participating innovation network charter school if the preference is specifically provided for in the charter and is approved by the authorizer; and

(6) allow each student who attended a turnaround academy ~~under IC 20-31-9.5~~ or attends a school that is located in the same school building as the participating innovation network charter school to receive preference for admission to the participating innovation network charter school if the preference is specifically provided for in the participating innovation network charter school's charter and is approved by the authorizer of the participating innovation network charter school.

(d) A participating innovation network charter school with a curriculum that includes study in a foreign country may deny admission to a student if:

- (1) the student:
  - (A) has completed fewer than twenty-two (22) academic credits required for graduation; and
  - (B) will be in the grade 11 cohort during the school year in which the student seeks to enroll in the participating innovation network charter school; or
- (2) the student has been suspended (as defined in IC 20-33-8-7) or expelled (as defined in IC 20-33-8-3) during the twelve (12) months immediately preceding the student's application for enrollment for:
  - (A) ten (10) or more school days;
  - (B) a violation under IC 20-33-8-16;
  - (C) causing physical injury to a student, a school employee, or a visitor to the school; or
  - (D) a violation of a school corporation's drug or alcohol rules.

For purposes of subdivision (2)(A), student discipline received under IC 20-33-8-25(b)(7) for a violation described in subdivision (2)(B) through (2)(D) must be included in the calculation of the number of school days that a student has been suspended.

(e) A participating innovation network charter school may give enrollment preferences to children of the participating innovation network charter school's founders, governing board members, and participating innovation network charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the participating innovation charter school's total population and there is sufficient capacity for a program, class, grade level, or building to ensure that any student with legal settlement in the attendance area may attend the school.

(f) This subsection applies to an existing charter school that enters into an innovation network agreement with the board. During the charter school's first year of operation as a participating innovation network charter school, the charter school may limit admission to:

- (1) those students who were enrolled in the charter school on the date it entered into the innovation network agreement; and



(2) siblings of students described in subdivision (1).

(g) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a participating innovation network charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The participating innovation network charter school that is not in a county containing a consolidated city must determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by random drawing in a public meeting with each timely applicant limited to one (1) entry in the drawing. However, the participating innovation network charter school located in a county with a consolidated city shall determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by using a publicly verifiable random selection process.

SECTION 15. IC 20-31-1-1, AS AMENDED BY P.L.92-2020, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. This article applies only to the following:

- (1) Except as provided in IC 20-31-4.1-3, public schools.
- (2) Except as provided in IC 20-31-7, and ~~IC 20-31-9~~; state accredited nonpublic schools.

SECTION 16. IC 20-31-2-7, AS AMENDED BY P.L.223-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. "Plan" refers to any of the following:

- (1) A strategic and continuous school improvement and achievement plan established under this article for a school or school corporation.
- (2) A plan to establish an innovation network school to improve school performance under IC 20-25.7.
- ~~(3) A plan to establish a transformation zone under IC 20-31-9.5-9.5.~~
- ~~(4) Any plan approved by the state board for the turnaround of a school or school corporation.~~

SECTION 17. IC 20-31-2-9 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 9: "Special management team" means an entity that is assigned by the state board under ~~IC 20-31-9-4(b)(1)(B)~~ to manage a turnaround academy in whole or in part.

SECTION 18. IC 20-31-2-9.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 9.5: "Transformation zone" means a school corporation that has submitted, through its governing body and to the state board, a plan and has been approved to operate under such a plan under ~~IC 20-31-9.5-9.5~~.

SECTION 19. IC 20-31-2-10 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 10: "Turnaround academy" means a school that is subject to ~~IC 20-31-9.5~~ and for the purpose of federal funding only; is considered a local educational agency.

SECTION 20. IC 20-31-8-1, AS AMENDED BY P.L.192-2018, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The performance of a school's students on the statewide assessment program test and other **criterion referenced benchmark** assessments recommended by the department of education and approved by the state board are the primary and majority means of assessing a school's improvement. **The state board may, and is encouraged to, incorporate social studies and science as indicators for assessing school improvement.**

(b) The department of education shall examine and make recommendations to the state board concerning:

- (1) performance indicators to be used as a secondary means of determining school progress;
- (2) expected progress levels, continuous improvement measures, distributional performance levels, and absolute performance levels for schools; and

(3) an orderly transition from the performance based accreditation system to the assessment system set forth in this article.

(c) The department of education shall consider methods of measuring improvement and progress used in other states in developing recommendations under this section.

(d) The department of education may consider:

- (1) the likelihood that a student may fail a graduation exam (before July 1, 2022) or fail to meet a postsecondary readiness competency established by the state board under IC 20-32-4-1.5(c) and require a graduation waiver under IC 20-32-4-4, IC 20-32-4-4.1, or IC 20-32-4-5; and
- (2) remedial needs of students who are likely to require remedial work while the students attend a postsecondary educational institution or workforce training program;

when making recommendations under this section.

SECTION 21. IC 20-31-8-3, AS AMENDED BY P.L.86-2018, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate **school performance. In addition, the state board may assign each domain, indicator, or measure used to assess school performance a separate and distinct category or designation. performance based on the individual student academic performance and growth to proficiency in each school.**

(b) The state board, in consultation with the department, shall define "low population schools" and shall determine the criteria for placing low population schools in categories established under subsection (a). In setting the definition and criteria for low population schools, the state board shall not penalize schools based on population. ~~An eligible school (as defined in IC 20-51-1-4.7) may not be penalized under IC 20-51-4-9 for the sole reason that the eligible school is considered a low population school under this subsection.~~ The state board's definition and criteria may include the placement of a school that fits the state board's definition in a "null" or "no letter grade" category.

(c) In developing metrics for the categories established under subsection (a), the state board, in consultation with the department, to the extent not inconsistent with federal law, shall consider the severity of tested students' disabilities when using statewide assessment scores as a means of assessing school performance.

(d) In developing metrics for the categories established under subsection (a), the state board shall consider the mobility of high school students who are credit deficient and whether any high school should be rewarded for enrolling credit deficient students or penalized for transferring out credit deficient students.

SECTION 22. IC 20-31-8-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) **Before July 1, 2024, the state board shall establish a compilation of longitudinal data, which shall be known as a "dashboard", indicating school performance success in various selected and enumerated program areas. The "dashboard" may include:**

- (1) indicators of student performance in elementary school, including schools for grades 6 through 8, and high school; and
- (2) options for schools to include custom indicators.

(b) **The "dashboard" described in subsection (a) shall include state, national, and international comparisons for the indicators, if applicable.**

SECTION 23. IC 20-31-9 IS REPEALED [EFFECTIVE JULY 1, 2021]. (Consequences).

SECTION 24. IC 20-31-9.5-0.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 0.5: (a) ~~The state board must approve any contracts necessary to implement IC 20-31-9~~



and this chapter:

(b) The state board may direct the department to assist the state board with the state board's duties under IC 20-31-9 and this chapter, including, but not limited to:

- (1) providing data to the state board that the state board determines is necessary to execute such duties; and
- (2) entering into contracts as determined by the state board.

SECTION 25. IC 20-31-9.5-1 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 1: (a) None of the following may be considered a school employer under IC 20-29-2-15 with respect to a turnaround academy:

- (1) The state.
- (2) The state board.
- (3) A special management team assigned by the state board under IC 20-31-9-4.

(b) A special management team assigned under IC 20-31-9-4 shall make all personnel decisions in the school. In operating a school as a turnaround academy under this chapter, a special management team is not bound by a contract entered into under IC 20-29:

SECTION 26. IC 20-31-9.5-2 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 2: (a) If the state board assigns a special management team under IC 20-31-9-4 to operate a school as a turnaround academy, for as long as the special management team operates the turnaround academy the following requirements apply:

(1) The special management team has the right to use any school building and all facilities and property otherwise part of the school and recognized as part of the facilities or assets of the school before its placement as a turnaround academy, including the building's contents, equipment, and supplies, and is entitled access to such additional facilities as were typically available to the school and its students, faculty, and staff before its placement as a turnaround academy. The special management team shall maintain and repair the buildings and grounds in a manner that is at least consistent with the maintenance and repair of the other buildings and grounds within the school corporation. The special management team shall maintain the building's contents and equipment in a reasonable manner.

(2) The special management team shall receive, control, and expend a pro rata share of the property tax revenue distributed to the school corporation under IC 6-1.1-27-1. The amount of property tax revenue shall be calculated by the department of local government finance on the basis of student enrollment for students attending that school who have legal settlement in the taxing unit other than the amount obligated to pay for existing debt service. The school corporation shall remit this amount to the special management team at a frequency determined by the state board in consultation with the department and the school corporation. This subsection does not apply if the school corporation provides services and funding to the special management team pursuant to an operations, maintenance, and repair agreement entered into before July 1, 2015.

(3) The special management team shall either:

- (A) provide transportation for students attending the turnaround academy; or
- (B) contract with the school corporation to provide transportation for students attending the turnaround academy.

Transportation must be provided at the same level of service the school corporation provided before the school became a turnaround academy.

(b) The school corporation:

(1) may not take action adverse to the special management team's operation of the school, including, but not limited to, taking action to dispose of or cloud the title of the real property on which the school is located or removing or

disposing of personal property located in or assigned to the school; and

(2) shall, not later than forty-five (45) days after the state board executes a contract with a special management team under section 7 of this chapter, provide to the special management team all student records and other data in a manner consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99) for the students who attended the school immediately before the school qualified for intervention under IC 20-31-9.

(c) If the special management team contracts with a school corporation for goods or services, the school corporation may not charge the special management team more for the goods or services than the school corporation pays for the goods or services.

(d) If the state board determines that the school corporation has not complied with any provision of subsection (b) or (c), the state board may order the department:

- (1) to withhold from the school corporation additional state funds otherwise to be distributed to the school corporation; and
- (2) to distribute those funds to the special management team;

in order to permit the special management team to operate the school notwithstanding the school corporation's noncompliance with subsection (b) or (c):

(e) The special management team and the school corporation's board shall hold a joint public meeting at least two (2) times each year to discuss issues and progress concerning the turnaround academy.

SECTION 27. IC 20-31-9.5-3 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 3: (a) Turnaround academies are eligible to receive building and technology loans administered by the state board from the common school fund:

(b) A student who attends a turnaround academy or another school subject to intervention under this chapter remains, under IC 20-43-4-1, an eligible pupil of the school corporation where the student has legal settlement:

(c) The state board, based upon recommendations received from the department, shall determine the amounts of state tuition support and federal funds that are necessary to fund options for improvement implemented by the state board under this chapter with respect to each turnaround academy:

(d) The department shall do the following:

(1) Present recommendations for state tuition support and federal funding amounts to the state board before the start of each fiscal year for each year during the intervention at a schedule determined by the state board.

(2) Withhold from state tuition support and federal funds otherwise to be distributed to the school corporation of the school operated as a turnaround academy under this chapter the amount determined under subsection (c) for the affected students. The amount withheld under this subdivision may not exceed the total per pupil funding for the affected students.

(3) Enter into any contracts necessary to implement the options for improvement implemented for the school by the state board, including contracts with a special management team assigned under IC 20-31-9-4 to operate the school as a turnaround academy. All contracts are subject to approval by the state board before execution. All contracts must be submitted to the state board for the state board's approval at least sixty (60) days prior to execution.

(4) Make payments under the contracts entered into under subdivision (3) with funds withheld from the school corporation under subdivision (2):

SECTION 28. IC 20-31-9.5-4 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 4: Any student who lives in the attendance

area served by a school that is operated as a turnaround academy under this chapter may attend the turnaround academy. The turnaround academy may not refuse enrollment to a student who lives in the attendance area.

SECTION 29. IC 20-31-9.5-7 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 7: (a) If the state board assigns a special management team, the department shall enter into a contract with a special management team. The terms of the contract must specify the following:

(1) A requirement that the special management team and the governing body conduct a public meeting two (2) times each year to provide a report concerning:

(A) student achievement of affected students; and

(B) the condition of the school property and to address issues related to the school property.

(2) The amount of local, state, and federal funding, including tuition support, to be distributed to the school.

(3) A requirement that the student instruction must be provided by teachers licensed under IC 20-28-5.

(4) The performance goals and accountability metrics agreed upon for the school.

(5) Grounds for termination of the contract, including the right of termination if the special management team fails to do any of the following:

(A) Comply with the conditions or procedures established in the contract.

(B) Meet the state's financial management and government accounting requirements.

(C) Comply with applicable laws.

(D) Meet the performance goals and accountability metrics agreed upon under subdivision (4).

(b) The special management team shall have full autonomy to operate the school as provided in the contract described in subsection (a):

(c) The term of the contract may not exceed five (5) years. The contract may be extended after the initial term at the direction of the state board:

(d) Individuals employed by the special management team are entitled to participate in:

(1) the state teachers' retirement fund created by IC 5-10-4;

(2) the public employees' retirement fund created by IC 5-10-3; or

(3) another employee pension or retirement fund.

SECTION 30. IC 20-31-9.5-9.5, AS ADDED BY P.L.223-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9.5. (a) The governing body of a school that has been placed in the lowest two (2) categories or designations may submit a plan to the state board to create a transformation zone within the school corporation. A plan may be developed with the assistance of the department. **After June 30, 2021, the state board may not use the establishment of a transformation zone under this section as an intervention in a particular school corporation to improve school performance.**

(b) The state board shall grant the designation as a transformation zone unless the state board concludes that the submitted plan does not substantially meet the criteria set forth in this section. All plans must be submitted to the state board not later than April 15, 2016, or April 15 each year thereafter. All plans must be approved or denied by the state board not later than July 1 of the first year of implementation.

(c) Each plan must include the following information:

(1) An organizational chart that demonstrates that the leader of the transformation zone reports directly to the school corporation's superintendent.

(2) A description of the innovations the school corporation will implement, which may include:

(A) innovations in school staffing;

(B) curriculum and nonmandated assessments;

(C) class scheduling;

(D) the length of the school day or year;

(E) the use of financial and other resources;

(F) teacher recruitment, employment, and compensation; and

(G) other innovations.

(3) The objective annual student performance and growth or improvement performance gains that the school corporation expects to achieve over the next five (5) years.

(4) A budget demonstrating financial sustainability of the transformation zone, without the use of special turnaround funding at the end of the fifth year of operation, with lower amounts of special turnaround funding in the fourth and fifth years.

(5) A description of any regulatory or district policy requirements, subject to the the state board's approval, that would need to be waived for the school corporation to implement the transformation zone.

(d) Subject to subsection (e), a school within the transformation zone that is not operated by a special management team is not subject to IC 20-29 unless the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2. If the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2, the school corporation may authorize a school within the transformation zone to opt out of bargaining allowable subjects or discussing discussion items by specifying the excluded items on the notice required under IC 20-29-5-2(b). Such notice must be provided to the education employment relations board at the time of the notice's posting.

(e) Subsection (d) applies only to a school that has been designated as a transformation zone following the third consecutive year in the lowest performance category or designation.

(f) All plans approved under this chapter shall be sent by the state board to the education employment relations board not later than fifteen (15) days after the plan's approval.

SECTION 31. IC 20-31-9.5-11 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 11: (a) At the time of the initial intervention or at any point during the intervention, the state board may approve a written request from a special management team to:

(1) expand the grades offered at the school occupied by the special management team; and

(2) operate a charter school managed by the special management team within the same facility;

if the state board determines that academic outcomes or financial sustainability of the turnaround academy will improve through implementing the request.

(b) A written request under subsection (a) must include all of the following:

(1) An analysis of any building modifications that would be necessary to serve various ages of students and corporation approval of the modifications.

(2) Plans for ensuring safety of younger aged students when the younger students are in shared space with older students.

(3) Specific year by year academic goals for the original affected students and the additional grade levels of students, disaggregated by grade.

(c) The state board shall hold a public hearing, located in the facility proposed to be used, before approval of any request made under this section.

SECTION 32. IC 20-51-4-9 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 9: (a) Except as provided in subsection (b), the department shall enforce the following consequences for an eligible school that is nonpublic:

(1) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for two (2) consecutive years, the department shall suspend choice scholarship payments for one (1) year for new students

who would otherwise use a choice scholarship to attend the school:

(2) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for two (2) consecutive years.

(3) If the school is placed in the lowest category or designation under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for three (3) consecutive years.

(4) Students who:

(A) are currently enrolled at a school described in subdivision (1), (2), or (3); and

(B) qualify for a choice scholarship for the upcoming school year;

may continue to receive a choice scholarship at the school:

(b) An eligible school may submit a request to the state board to waive or delay consequences imposed under subsection (a) for a particular school year. The state board may grant a request to an eligible school that requests a waiver or delay under this subsection if the eligible school demonstrates that a majority of students in the eligible school demonstrated academic improvement during the preceding school year. A waiver or delay granted to an eligible school under this subsection is for one (1) school year only. An eligible school must make an additional request under this subsection to the state board to receive further delay or waiver of consequences imposed under subsection (a):

(c) This section may not be construed to prevent a student enrolled in a school subject to this section from applying for a choice scholarship in the future at another eligible school.

SECTION 33. P.L.2-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020 (RETROACTIVE)]; SECTION 1. (a) The definitions in IC 20 apply throughout this SECTION.

(b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2018-2019 school year shall be calculated in the manner provided in 511 IAC 6.2-10, with the exception that a school's or school corporation's category or designation of school or school corporation performance for the 2018-2019 school year may not be lower than the school's or school corporation's category or designation of school or school corporation performance for the 2017-2018 school year.

(c) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2019-2020 school year shall be calculated in the manner provided in 511 IAC 6.2-10, with the exception that a school's or school corporation's category or designation of school or school corporation performance for the 2019-2020 school year is the higher of a school's or school corporation's category or designation of school or school corporation performance:

(1) determined under subsection (b); or

(2) for the 2019-2020 school year as determined under IC 20-31-8.

(d) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, the state board shall assign to a school or school corporation a "null" or "no letter grade" for the 2020-2021 school year. However, the most recent results of the school's ILEARN assessment must be included on the school's Internet web site.

(e) Notwithstanding IC 20-31-8 and 511 IAC 6.3-1, the state board shall assign an adult high school a "null" or "no letter grade" category for the 2020-2021 school year.

(d) (f) Notwithstanding IC 20-31-9, and except as otherwise provided in this subsection, a school's category or designation of school performance assigned by the state board under subsection (b) or (c) may not be used in the determination of consequences under IC 20-31-9. The school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying consequences under IC 20-31-9 for a school that has been placed in the lowest category or designation of school performance under subsections (b) and (c). However, a school may petition the state board, and the state board shall grant the school's petition to use the grade assigned to the school under subsection (b) or (c) for purposes of applying IC 20-31-9.

(e) (g) Notwithstanding IC 20-51-4-9, and except as otherwise provided in this subsection, an eligible school's (as defined in IC 20-51-1-4.7) category or designation of school performance under subsection (b) or (c) may not be used in the determination of consequences under IC 20-51-4-9 if the eligible school is placed in either of the two (2) lowest categories or designations of school performance under subsection (b) or (c). The eligible school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying consequences under IC 20-51-4-9 for an eligible school that has been placed in the two (2) lowest categories or designations of school performance under subsections (b) and (c). However, an eligible school may petition the state board, and the state board shall grant the eligible school's petition to use the eligible school's category or designation of school performance assigned under subsection (b) or (c) for purposes of applying IC 20-51-4-9.

(f) (h) Notwithstanding IC 20-24-2.2-2, a charter school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying IC 20-24-2.2-2(a) for a charter school that has been placed in the lowest category or designation of school performance under subsection (b) or (c). However, a charter school may petition the state board, and the state board shall grant the charter school's petition to use the charter school's category or designation of school performance assigned under subsection (b) or (c) for purposes of applying IC 20-24-2.2-2(a).

(g) (i) This SECTION expires January 1, 2023: 2024.

SECTION 34. [EFFECTIVE UPON PASSAGE] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) Subject to subsection (c), consequences to which a school is subject on June 30, 2021, under IC 20-31-9, before its repeal by this act on July 1, 2021, are null and void after June 30, 2021.

(c) A school subject to consequences under IC 20-31-9, before its repeal by this act on July 1, 2021, may petition the state board, in a manner prescribed by the state board, to continue assistance required or authorized by the state board under IC 20-31-9, before its repeal by this act, as if IC 20-31-9 were repealed by this act.

(d) This SECTION expires July 1, 2026.

SECTION 35. An emergency is declared for this act.

(Reference is to HB 1514 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

**Referrals to Ways and Means**

The Speaker announced, pursuant to House Rule 127, that House Bills 1005 and 1434 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Andrade be added as coauthor of House Bill 1025.

PRESSEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Manning be added as coauthor of House Bill 1365.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Morris and Johnson be added as coauthors of House Bill 1416.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lauer and Jackson be added as coauthors of House Bill 1532.

DEVON

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 3 and the same 3, 35, 36, 59, 68, 130, 167, 175, 177, 194, 195, 203, 233, 263, 305 and 385 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 6 and the same is herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative DeLaney, the House adjourned at 1:00 p.m., this fourth day of February, 2021, until Monday, February 8, 2021, at 2:30 p.m.

TODD M. HUSTON

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives