

FAQ: RECENT LEGISLATIVE CHANGES FOR SCHOOL BOARD ELECTIONS AND CANDIDATE REQUIREMENTS

This FAQ provides an overview of Senate Enrolled Act 287 (Public Law 195-2025) and Senate Enrolled Act 25 (Public Law 7-2026) impacting school board elections and candidate requirements. It is designed to support current school board members and prospective candidates in understanding filing rules, ballot designations, and compliance expectations. Court and federal employees should seek additional guidance before filing to ensure compliance with ethical and employment restrictions.

1. When did the changes under SEA 287 and SEA 25 take effect?

All provisions of SEA 287 became effective July 1, 2025. All provisions of SEA 25 became effective February 24, 2026. The changes under both laws will apply to school board elections beginning with the November 2026 general election and thereafter. Current board members serving active terms are not impacted by the changes and can continue to serve until their term expires.

2. Did SEA 287 create primary elections for school board races?

No. SEA 287 did not establish primary elections for school board candidates. So, multiple candidates from one party can run for the same seat in the general election.

3. Did SEA 287 change the timelines for filing a petition of nomination?

No. The filing period was not changed and begins 14 days after the primary election and ends at noon 30 days later. The filing period for 2026 school board offices begins May 19, 2026, and ends at noon June 18, 2026.

4. Are school board elections still considered nonpartisan?

No. SEA 287 modifies Indiana's nonpartisan school board races by requiring school board candidates to identify one of the following on their petition of nomination:

- i. Political Party Affiliation (Democratic, Republican, Libertarian)
- ii. Independent Candidacy
- iii. Elect Not to Disclose Any Affiliation or Has No Affiliation

5. How does a candidate prove affiliation with a major political party under SEA 287?

To claim a major party affiliation (e.g., Republican or Democrat), a candidate must have voted in that party's two most recent Indiana primary elections. If a candidate has not voted in two recent primaries for that party, the candidate must obtain a written certification from the county party chair confirming the declared affiliation.

The Indiana Election Division has clarified that the “two most recent Indiana primary elections” means the last two primary elections in which the candidate participated, and both ballots must be from the same political party the candidate seeks to represent on the November ballot.

6. Can a candidate’s party affiliation be challenged?

Yes, but in limited circumstances. A challenge to major party affiliation may succeed only if both of the following are proven:

- i. The candidate did not vote in the last two primary elections of the party he/she claims, and
- ii. The candidate does not have written certification from the county party chair confirming party membership.

7. Can Independent or “no affiliation” candidates be challenged?

No. Under SEA 287, only major party affiliations may be challenged under the law. Candidates who file as Independent or who elect not to disclose affiliation are not subject to a challenge regarding their political status and will appear on the ballot as filed.

8. With school board candidates listing a political affiliation, will straight-party voting apply to these races?

No. Even though SEA 287 allows school board candidates to list a party affiliation, school board races are excluded from straight-party voting. This means that voters must individually select school board candidates, and a straight-party vote cannot be applied to these candidates. Indiana law also requires that a notice be printed on the ballot informing voters that straight-party voting does not apply to school board candidates.

9. Will a political designation appear on the ballot?

Yes, the candidate's declared status of a party or Independent candidacy will appear on the ballot with the candidate's name.

10. How will a school board candidate appear on the ballot if the candidates chooses not to disclose any political party affiliation?

If a candidate decides not to disclose any party affiliation under [IC 3-8-2.5-2.5\(a\)\(5\)\(C\)](#), the ballot will show only the candidate’s name, followed by a blank space where party information would normally appear. This indicates that the candidate is not affiliated with any political party and does not identify as an Independent candidate.

11. How are school board candidates ordered on the ballot under SEA 25?

a. Grouped by political party

Candidates are grouped by political party (Democratic, Republican, and/or Libertarian Parties) and listed according to the performance of political parties in the most recent election for Secretary of State in the county. Candidates representing the party receiving the highest number of votes for Secretary of State are listed first, followed by candidates from the party receiving the second

highest number of votes. Within each distinct party grouping, candidates are listed alphabetically by surname if there is more than one candidate.

b. All minor party and Independent candidates

Candidates representing other political parties are listed next in the order their party's candidate for Secretary of State finished in the last election. Candidates representing parties that did not have a Secretary of State candidate in the last election, as well as Independent candidates, are listed after those parties.

If more than one independent or minor party candidate qualifies to appear on the ballot, candidates are generally listed in the order in which their petitions of nomination were filed under IC 3-8-6-12. However, if more than one candidate files under the same minor party or as Independent candidates, those candidates are grouped together and then listed alphabetically by surname within that grouping.

c. Candidates who elect not to disclose any political party affiliation or are not affiliated with a political party and do not identify as Independent

Candidates who elect not to disclose any political party affiliation under IC 3-8-2.5-2.5(a)(5)(C) will appear after all other candidates listed on the ballot alphabetically by surname. This means that candidates who choose not to disclose affiliation will be placed after candidates affiliated with political parties and after Independent candidates.

12. Where is the write-in voting option placed on the ballot?

If write-in voting is permitted for a school board office, the space for write-in voting must appear after all listed candidates. Indiana law also provides that the name of a write-in candidate may not be printed on the ballot.

13. How does SEA 287 impact federal employees who are interested in running for school board?

The Hatch Act precludes certain federal employees from being candidates for election to a "partisan political office." 5 U.S.C. §7323(a)(3). A partisan political office is one for which "any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected." 5 U.S.C. §7322(2). Now that school board elections are partisan political offices, federal employees who are subject to the Hatch Act might be prohibited from running for school board.

14. Are all federal employees subject to the Hatch Act?

No. For purposes of the Hatch Act, the term "federal employee" means any individual, other than the President and the Vice President, employed or holding office in one of the following: (1) an Executive agency other than the Government Accountability Office; or (2) a position within the competitive service which is not in an Executive agency. 5 U.S.C. §7322. Additionally, under the Hatch Act, the term "federal employee" does not include a member of the uniformed services or an individual employed or holding office in the government of the District of Columbia.

15. Are there any circumstances wherein a federal employee subject to the Hatch Act could run for school board?

The U.S. Office of Special Counsel has advised ISBA that a federal employee could file a petition of nomination, declaring no party affiliation, for that particular seat and have his or her name appear on the ballot if no other candidate files a petition or all candidates who file a petition for the same seat have also declared no party affiliation.

16. For current board members who are federal employees covered by the Hatch Act, how does SEA 287 impact their current term?

School board members who are federal employees subject to the Hatch Act may continue serving their present term without interruption. The new requirements under SEA 287 will apply **at the time of re-election**, beginning with the **2026 election cycle and beyond**.

17. How does SEA 287 affect court employees who may want to run in the school board election?

Court employees may run for and hold school board positions so long as they file with no affiliation and elect not to disclose, because they are not affiliated with a political party and do not identify as Independent. They must not suggest they are running as nonpartisan solely to retain their employment, as this implies political motivation tied to their court role.

Court employees must follow the Code of Judicial Conduct. For example, under Rule 4.1(D), they may attend political organization events and purchase event tickets, similar to nonpartisan judges. However, they may not attend or participate in fundraisers for specific candidates (including Independents), nor may they campaign jointly with partisan candidates, even in school board campaigns where candidates promote one another in a “block” or slate.

If a court employee is unsure whether they can run, continue to run, or whether a particular action violates the Code of Judicial Conduct, they should consult their supervisor and/or contact Adrienne Meiring at: Adrienne.Meiring@courts.in.gov

18. Are members of the Armed Forces subject to the Hatch Act?

No. Members of the Armed Forces, which include active duty, Reserve, National Guard (in non-Federal status), and retired members, are not covered by the Hatch Act. Their political activities are governed by [Department of Defense Directive \(DoDD\) 1344.10](#), “[Political Activities by Members of the Armed Forces](#).” DoDD 1344.10 prohibits active-duty members from engaging in partisan political activity and restricts non-active members from implying DoD endorsement in any political context. The Department of Defense Standards of Conduct Office website provides members with an [FAQ](#) and [Partisan Political Activity Rules](#) as guidance for political activities.

19. How are vacancies on a school board filled when the vacated seat was held by a school board member who declared a political party affiliation?

If a school board member declared affiliation with a major political party when filing for office, the vacancy in that seat must be filled through the party’s caucus process under [IC 3-13-11](#). The

political party's precinct committee members will meet to select a replacement, rather than the school board itself appointing the successor.

20. How are vacancies on a school board filled when that school board member did not declare a political party affiliation?

If the departing member did not declare affiliation with a major political party when filing for office, the vacancy is filled by the remaining members of the school board by a majority vote of the board.

21. What happens if a school board or party caucus fails to fill the vacancy or there is a tie?

If neither the caucus (for party-affiliated seats) nor the school board (for unaffiliated seats) acts within 30 days, or if there is a tie, the local circuit court judge where the majority of registered voters of the school corporation reside must make the appointment.

22. What happens if a school board seat becomes vacant due to the death of a member?

If a vacancy occurs because of the death of a school board member, it must be filled under [IC 20-23-4-30](#). The process depends on how the deceased member originally filed:

- i. If the member declared a major political party affiliation, then the vacancy is filled by a party caucus under [IC 3-13-11](#).
- ii. If the member filed as Independent or no affiliation, then the remaining school board members fill the vacancy by majority board vote.

However, no vacancy can be filled until the secretary of the governing body receives formal notice of death, as required by [IC 5-8-6](#).