

## **FAQ: SENATE ENROLLED ACT 287**

This FAQ provides an overview of [Senate Enrolled Act 287](#) (Public Law 195-2025) and its impact on 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 take effect?**

All provisions of [SEA 287](#) became effective July 1, 2025. These changes will apply to school board elections held during 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. 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
- ii. Independent Candidacy
- iii. Elect Not to Disclose Any Affiliation or Has No Affiliation

### **3. Will a political designation appear on the ballot?**

The candidate's declared status of a party, independent candidacy, or no affiliation will appear directly beneath or beside the candidate's name.

### **4. 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.

### **5. 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.

**6. 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 challenge regarding their political status and will appear on the ballot as filed.

**7. 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.

**8. Will the ballot include an advisory statement that straight-party voting does not apply to school board candidates?**

Yes. Indiana law requires that whenever a school board race appears on the ballot, a specific statement must be printed to inform voters that straight-party voting does not apply.

**9. How will a school board candidate appear on the ballot if the candidate 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.

**10. 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, any 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.

**11. 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.

**12. 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) or 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.

**13. 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](#).

**14. 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.

**15. 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 are generally prohibited from running for school board.

**16. 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.

**17. 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, and have his or her name appear on the ballot if no other candidate files a petition or all candidates who file a petition have also declared no party affiliation.

**18. 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.

**19. 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.

**20. 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](mailto:Adrienne.Meiring@courts.in.gov)

**21. 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.