

School Board Elections: Be Sure You Reside In The Right District

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The time period for filing petitions of nominations for school board positions is just around the corner. According to the Election Division of the Indiana Secretary of State, the first day for filing a petition of nomination is Wednesday, July 22, 2020, and the last day is Friday, August 21, 2020, by Noon.

ISBA has published additional information about the election procedures [HERE](#).

One of the key eligibility requirements for running for school board is residence. IC 3-8-1-34 generally requires an individual to be a resident of the school corporation for at least one year. However, some school board reorganization plans require candidates for certain seats on the school board to reside in a particular district or township within the school corporation. The petition of nomination requires a candidate to verify that he/she resides in the district or township when filing for a particular seat. Recent litigation in our state confirms that it is imperative that any such candidate be a resident of that particular area of the school corporation in order to hold the position.

In *Kite v. Curlin*, 139 N.E.3d 1113 (Ind. App. 2019), two persons filed for the District 2 seat of the governing body of the MSD of Washington Township. Candidate Curlin defeated Candidate Kite. Shortly after the election, however, Candidate Kite discovered that Candidate Curlin was not a resident of District 2.

She was in fact a resident of District 1. Candidate Curlin correctly listed her address on her petition of nomination and represented that she was seeking the District 2 seat as she believed she was a resident of that District. Candidate Kite filed a post-election challenge, asserting that Candidate Curlin was not a resident of District 2 and therefore was not eligible to hold the seat. The trial court found that Candidate Curlin did not misrepresent her residence and truly believed that she was a resident of District 2. Being reluctant to overturn the voters' choice as to the candidates, the trial court determined Candidate Curlin was entitled to hold the board seat. Candidate Kite appealed to the Court of Appeals, which reversed the trial court's decision. The appellate court concluded Candidate Curlin was in fact not a resident of the district and therefore not entitled to hold the board seat. Candidate Curlin petitioned the Indiana Supreme Court for transfer, but the petition was denied. Thus, the appellate court's decision was affirmed. Regrettably for Candidate Curlin, after having served on the school board for nearly 18 months, she was forced to vacate her seat on the school board. Candidate Kite is now serving on the school board.

Thus, an important lesson for anyone running for a seat on a school board that requires the individual to reside in a particular district or township: be sure your home is located in the correct district or township!