



February 21, 2012

**ENGROSSED
SENATE BILL No. 193**

DIGEST OF SB 193 (Updated February 16, 2012 8:32 am - DI 84)

Citations Affected: IC 3-8; IC 36-2.

Synopsis: Local elected officials. Requires a candidate for a local or school board office to file a statement of economic interests with the candidate's declaration of candidacy, petition of nomination, declaration of intent to be a write-in candidate, or certificate of candidate selection. Requires an individual who fills a vacancy in an elected local or school board office to file a statement of economic interests not later than 60 days after the individual assumes the office. Repeals a provision that allows a member of a county executive or a county fiscal body: (1) who is elected from and must reside within a district; and (2) who is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use after the member has begun a term of office; to complete the member's term of office as long as the member remains a resident of the county that contains the member's district.

Effective: Upon passage; January 1, 2013.

**Arnold, Lawson C, Landske,
Charbonneau, Randolph, Miller,
Broden**

(HOUSE SPONSORS — DERMODY, DOBIS, KOCH)

January 4, 2012, read first time and referred to Committee on Elections.
January 9, 2012, reported favorably — Do Pass.
January 17, 2012, read second time, amended, ordered engrossed.
January 18, 2012, engrossed.
January 19, 2012, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

January 31, 2012, read first time and referred to Committee on Elections and Apportionment.
February 20, 2012, amended, reported — Do Pass.

ES 193—LS 6389/DI 75+



C
O
P
Y

February 21, 2012

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 193

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-8-1-33, AS AMENDED BY P.L.201-2011,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2013]: Sec. 33. (a) A candidate for an office listed in
4 subsection (b) must file a statement of economic interests.

5 (b) Whenever a candidate for any of the following offices is also
6 required to file a declaration of candidacy or is nominated by petition,
7 the candidate shall file a statement of economic interests before filing
8 the declaration of candidacy or declaration of intent to be a write-in
9 candidate, before the petition of nomination is filed, before the
10 certificate of nomination is filed, or before being appointed to fill a
11 candidate vacancy under IC 3-13-1 or IC 3-13-2:

- 12 (1) Governor, lieutenant governor, secretary of state, auditor of
13 state, treasurer of state, attorney general, and state superintendent
14 of public instruction, in accordance with IC 4-2-6-8.
15 (2) Senator and representative in the general assembly, in
16 accordance with IC 2-2.1-3-2.
17 (3) Justice of the supreme court, judge of the court of appeals,

ES 193—LS 6389/DI 75+



C
O
P
Y

1 judge of the tax court, judge of a circuit court, judge of a superior
 2 court, judge of a probate court, and prosecuting attorney, in
 3 accordance with IC 33-23-11-14 and IC 33-23-11-15.

4 **(4) A candidate for a local office or school board office, in**
 5 **accordance with IC 3-8-9, except a candidate for a local office**
 6 **described in subdivision (3).**

7 SECTION 2. IC 3-8-2-11, AS AMENDED BY P.L.164-2006,
 8 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2013]: Sec. 11. (a) A declaration of candidacy may be
 10 made by mail and is considered filed as of the date and hour the filing
 11 occurs in the manner described by IC 3-5-2-24.5 in the office of the
 12 election division or circuit court clerk.

13 (b) A declaration is not valid unless filed in the office of the election
 14 division or circuit court clerk by noon on the seventy-fourth day before
 15 a primary election.

16 (c) This subsection applies to a candidate required to file a
 17 statement of economic ~~interest~~ **interests** under IC 2-2.1-3-2 or
 18 IC 33-23-11-15 or a financial disclosure statement under IC 4-2-6-8.
 19 **This subsection does not apply to a candidate for a local office or**
 20 **school board office required to file a statement of economic**
 21 **interests under IC 3-8-9.** The election division shall require the
 22 candidate to produce a:

23 (1) copy of the statement, file stamped by the office required to
 24 receive the statement of economic interests; or

25 (2) receipt showing that the statement has been filed;
 26 before the election division accepts the declaration for filing. The
 27 election division shall reject a filing that does not comply with this
 28 subsection.

29 **(d) This subsection applies to a candidate for a local office or**
 30 **school board office required to file a statement of economic**
 31 **interests under IC 3-8-9. The circuit court clerk shall reject a**
 32 **declaration of candidacy that does not include a statement of**
 33 **economic interests.**

34 SECTION 3. IC 3-8-9 IS ADDED TO THE INDIANA CODE AS
 35 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 36 JANUARY 1, 2013]:

37 **Chapter 9. Statements of Economic Interests for Local and**
 38 **School Board Offices**

39 **Sec. 1. This chapter applies only to candidates for local or school**
 40 **board offices elected after December 31, 2012.**

41 **Sec. 2. As used in this chapter, "filer" refers to an individual**
 42 **who files a statement of economic interests under this chapter.**



C
O
P
Y

1 **Sec. 3.** As used in this chapter, "statement" refers to the
 2 statement of economic interests required to be filed under this
 3 chapter.

4 **Sec. 4.** A candidate for a local office or school board office shall
 5 file a written statement of economic interests as provided in this
 6 chapter.

7 **Sec. 5.** An individual required to file a statement under section
 8 4 of this chapter shall file the statement as follows:

9 (1) With the individual's:

10 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;

11 (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6;

12 (C) declaration of intent to be a write-in candidate under
 13 IC 3-8-2-2.5; or

14 (D) certificate of candidate selection under IC 3-13-1 or
 15 IC 3-13-2.

16 (2) When the individual assumes a vacant elected office under
 17 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, or IC 3-13-11. A
 18 statement filed under this subdivision must be filed not later
 19 than noon sixty (60) days after the individual assumes the
 20 elected office.

21 **Sec. 6.** The circuit court clerk shall reject a declaration of
 22 candidacy, petition of nomination, declaration of intent to be a
 23 write-in candidate, or certificate of candidate selection that does
 24 not include the statement.

25 **Sec. 7.** A statement must be made under affirmation.

26 **Sec. 8.** A statement must set forth the following information for
 27 the preceding calendar year:

28 (1) The following information for each employer of the filer
 29 and each employer of the filer's spouse:

30 (A) The name of the employer.

31 (B) The nature of the employer's business.

32 For purposes of this subdivision, "employer" means any
 33 person from whom the filer or the filer's spouse received more
 34 than thirty-three percent (33%) of the filer's or the filer's
 35 spouse's income.

36 (2) The following information about any sole proprietorship
 37 owned or professional practice operated by the filer:

38 (A) The name of the sole proprietorship or professional
 39 practice.

40 (B) The nature of the business of the sole proprietorship or
 41 professional practice.

42 (3) The name of any partnership or limited liability company

C
O
P
Y



1 in which the filer or the filer's spouse is a member and the
2 nature of the business of the partnership or limited liability
3 company.

4 (4) The name of a corporation (other than a church) of which
5 the filer or the filer's spouse is an officer or a director and the
6 nature of the corporation's business.

7 Sec. 9. The commission shall prescribe the form of the
8 statement.

9 SECTION 4. IC 36-2-2-5, AS AMENDED BY P.L.225-2011,
10 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 5. (a) To be eligible for election to the
12 executive, a person must meet the qualifications prescribed by
13 IC 3-8-1-21.

14 (b) A member of the executive must reside within:
15 (1) the county as provided in Article 6, Section 6 of the
16 Constitution of the State of Indiana; and
17 (2) the district from which the member was elected.

18 (c) ~~Except as provided in subsection (e)~~; If the person does not
19 remain a resident of the county and district after taking office, the
20 person forfeits the office. The county fiscal body shall declare the
21 office vacant whenever a member of the executive forfeits office under
22 this subsection.

23 (d) In a county having a population of:
24 (1) more than four hundred thousand (400,000) but less than
25 seven hundred thousand (700,000); or
26 (2) more than two hundred thousand (200,000) but less than three
27 hundred thousand (300,000);

28 one (1) member of the executive shall be elected by the voters of each
29 of the three (3) single-member districts established under section 4(b)
30 or 4(c) of this chapter. In other counties, all three (3) members of the
31 executive shall be elected by the voters of the whole county.

32 (e) ~~This subsection applies to a member of the executive who must
33 reside within the district from which the member was elected. A person
34 who:~~

35 (1) has begun a term of office as a member of the executive; and
36 (2) is relocated outside the member's district as the result of the
37 state's acquisition of the member's residence for a public use;
38 may complete the member's term of office as long as the member
39 remains a resident of the county that contains the member's district.

40 SECTION 5. IC 36-2-3-5, AS AMENDED BY P.L.225-2011,
41 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: Sec. 5. (a) To be eligible to serve as a member of

C
o
p
y



1 the fiscal body, a person must meet the qualifications prescribed by
 2 IC 3-8-1-22.
 3 (b) A member of the fiscal body must reside within:
 4 (1) the county as provided in Article 6, Section 6 of the
 5 Constitution of the State of Indiana; and
 6 (2) the district from which the member was elected, if applicable.
 7 (c) ~~Except as provided in subsection (d)~~; A member who fails to
 8 comply with subsection (b) forfeits the office.
 9 (d) ~~This subsection applies to a member of the fiscal body who must~~
 10 ~~reside within the district from which the member was elected. A person~~
 11 ~~who:~~
 12 (1) ~~has begun a term of office as a member of the fiscal body; and~~
 13 (2) ~~is relocated outside the member's district as the result of the~~
 14 ~~state's acquisition of the member's residence for a public use;~~
 15 ~~may complete the member's term of office as long as the member~~
 16 ~~remains a resident of the county that contains the member's district.~~
 17 **SECTION 6. An emergency is declared for this act.**

C
o
p
y



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 193, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 193 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 8, Nays 0.

 SENATE MOTION

Madam President: I move that Senate Bill 193 be amended to read as follows:

Page 2, line 31, delete "A declaration of candidacy that does not" and insert "**The circuit court clerk shall reject a declaration of candidacy that does not include a statement of economic interests.**".

Page 2, delete line 32.

Page 3, line 20, delete "A" and insert "**The circuit court clerk shall reject a**".

Page 3, line 22, after "statement" insert ".".

Page 3, line 22, delete "is invalid."

(Reference is to SB 193 as printed January 10, 2012.)

ARNOLD

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 193, 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, after line 8, begin a new paragraph and insert:

"SECTION 4. IC 36-2-2-5, AS AMENDED BY P.L.225-2011, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible for election to the executive, a person must meet the qualifications prescribed by IC 3-8-1-21.

ES 193—LS 6389/DI 75+



C
O
P
Y

(b) A member of the executive must reside within:

- (1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and
- (2) the district from which the member was elected.

(c) ~~Except as provided in subsection (e);~~ If the person does not remain a resident of the county and district after taking office, the person forfeits the office. The county fiscal body shall declare the office vacant whenever a member of the executive forfeits office under this subsection.

(d) In a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);

one (1) member of the executive shall be elected by the voters of each of the three (3) single-member districts established under section 4(b) or 4(c) of this chapter. In other counties, all three (3) members of the executive shall be elected by the voters of the whole county.

~~(e) This subsection applies to a member of the executive who must reside within the district from which the member was elected. A person who:~~

- ~~(1) has begun a term of office as a member of the executive; and~~
- ~~(2) is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use;~~

~~may complete the member's term of office as long as the member remains a resident of the county that contains the member's district.~~

SECTION 5. IC 36-2-3-5, AS AMENDED BY P.L.225-2011, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible to serve as a member of the fiscal body, a person must meet the qualifications prescribed by IC 3-8-1-22.

(b) A member of the fiscal body must reside within:

- (1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and
- (2) the district from which the member was elected, if applicable.

(c) ~~Except as provided in subsection (d);~~ A member who fails to comply with subsection (b) forfeits the office.

~~(d) This subsection applies to a member of the fiscal body who must reside within the district from which the member was elected. A person who:~~

- ~~(1) has begun a term of office as a member of the fiscal body; and~~
- ~~(2) is relocated outside the member's district as the result of the~~

ES 193—LS 6389/DI 75+



C
O
P
Y

state's acquisition of the member's residence for a public use;
may complete the member's term of office as long as the member
remains a resident of the county that contains the member's district.

SECTION 6. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to SB 193 as reprinted January 18, 2012.)

KOCH, Chair

Committee Vote: yeas 8, nays 0.

C
o
p
y

