

SENATE BILL No. 193

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8.

Synopsis: Financial disclosures by 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.

Effective: January 1, 2013.

Arnold, Lawson C

January 4, 2012, read first time and referred to Committee on Elections.

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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.

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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,



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. A declaration of candidacy that does not**
 32 **include a statement of economic interests is not valid.**

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

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

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

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

42 **Sec. 3. As used in this chapter, "statement" refers to the**

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1 statement of economic interests required to be filed under this
2 chapter.

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

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

8 **(1) With the individual's:**

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

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

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

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

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

20 **Sec. 6. A declaration of candidacy, petition of nomination,**
21 **declaration of intent to be a write-in candidate, or certificate of**
22 **candidate selection that does not include the statement is invalid.**

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

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

26 **(1) The following information for each employer of the filer**
27 **and each employer of the filer's spouse:**

28 **(A) The name of the employer.**

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

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

34 **(2) The following information about any sole proprietorship**
35 **owned or professional practice operated by the filer:**

36 **(A) The name of the sole proprietorship or professional**
37 **practice.**

38 **(B) The nature of the business of the sole proprietorship or**
39 **professional practice.**

40 **(3) The name of any partnership or limited liability company**
41 **in which the filer or the filer's spouse is a member and the**
42 **nature of the business of the partnership or limited liability**

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1 **company.**
2 **(4) The name of a corporation (other than a church) of which**
3 **the filer or the filer's spouse is an officer or a director and the**
4 **nature of the corporation's business.**
5 **Sec. 9. The commission shall prescribe the form of the**
6 **statement.**

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