



Reprinted
January 18, 2012

SENATE BILL No. 193

DIGEST OF SB 193 (Updated January 17, 2012 2:15 pm - DI 75)

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, Landske,
Charbonneau, Randolph, Miller,
Broden**

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.

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SB 193—LS 6389/DI 75+



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,

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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.**



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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

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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.**

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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.)

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