

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.

SENATE ENROLLED ACT No. 193

AN ACT to amend the Indiana Code concerning local government.

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

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

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

- (1) Governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, and state superintendent of public instruction, in accordance with IC 4-2-6-8.
- (2) Senator and representative in the general assembly, in accordance with IC 2-2.1-3-2.
- (3) Justice of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, judge of a probate court, and prosecuting attorney, in accordance with IC 33-23-11-14 and IC 33-23-11-15.

(4) A candidate for a local office or school board office, in accordance with IC 3-8-9, except a candidate for a local office



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described in subdivision (3).

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

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

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

- (1) copy of the statement, file stamped by the office required to receive the statement of economic interests; or
- (2) receipt showing that the statement has been filed;

before the election division accepts the declaration for filing. The election division shall reject a filing that does not comply with this subsection.

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

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

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

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

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

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

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

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chapter.

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

(1) With the individual's:

- (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;**
- (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6;**
- (C) declaration of intent to be a write-in candidate under IC 3-8-2-2.5; or**
- (D) certificate of candidate selection under IC 3-13-1 or IC 3-13-2.**

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

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

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

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

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

- (A) The name of the employer.**
- (B) The nature of the employer's business.**

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

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

- (A) The name of the sole proprietorship or professional practice.**
- (B) The nature of the business of the sole proprietorship or professional practice.**

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

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

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nature of the corporation's business.

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

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.

(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



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(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 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.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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