



Reprinted
February 16, 1999

SENATE BILL No. 274

DIGEST OF SB 274 (Updated February 15, 1999 4:01 pm - DI 75)

Citations Affected: IC 3-8; IC 5-4; IC 33-14.

Synopsis: Residency of candidates. Makes changes concerning certain city court judges, including changes to the residency requirements and changes requiring that certain city court judges be attorneys. Requires a candidate for prosecuting attorney to be a resident of the judicial circuit that the person serves.

Effective: Upon passage.

Landske

January 7, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
January 26, 1999, amended; reassigned to Committee on Elections.
February 9, 1999, amended, reported favorably — Do Pass.
February 15, 1999, read second time, amended, ordered engrossed.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

SENATE BILL No. 274

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

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

- 1 SECTION 1. IC 3-8-1-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not
3 apply to a candidate for any of the following offices:
4 (1) Judge of a city court. ~~in a city located in a county having a~~
5 ~~population of:~~
6 (A) ~~more than four hundred thousand (400,000) but less than~~
7 ~~seven hundred thousand (700,000); or~~
8 (B) ~~more than two hundred thousand (200,000) but less than~~
9 ~~three hundred thousand (300,000).~~
10 (2) ~~judge of a city court in a third class city; or~~
11 (3) (2) Judge of a town court.
12 (b) A person is not qualified to run for:
13 (1) a state office;
14 (2) a legislative office;
15 (3) a local office; or
16 (4) a school board office;
17 unless the person is registered to vote in the election district the person

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1 seeks to represent not later than the deadline for filing the declaration
2 or petition of candidacy or certificate of nomination.

3 (c) If a candidate filing error is made by the election division or a
4 circuit court clerk, the error does not invalidate the filing.

5 SECTION 2. IC 3-8-1-1.5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) This
7 section applies to a candidate for any of the following offices:

8 (1) Judge of a city court in a city located in a county having a
9 population of

10 ~~(A) more than four hundred thousand (400,000) but less than~~
11 ~~seven hundred thousand (700,000); or~~

12 ~~(B) more than two hundred thousand (200,000) but less than~~
13 ~~three hundred thousand (300,000).~~

14 ~~(2) Judge of a city court in a third class city.~~

15 ~~(3) (2) Judge of a town court.~~

16 (b) A person is not qualified to run for an office subject to this
17 section unless **not later than the deadline for filing the declaration**
18 **or petition of candidacy or certificate of nomination** the person is
19 registered to vote in a county in which the municipality is located.

20 SECTION 3. IC 3-8-1-28.5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.5. (a) This
22 section does not apply to a candidate for the office of judge of a city
23 court in a city located in a county having a population of more than two
24 hundred thousand (200,000) but less than three hundred thousand
25 (300,000).

26 (b) A candidate for the office of judge of a city court must reside in
27 the city upon filing a declaration of candidacy required under IC 3-8-2
28 or a petition of nomination under IC 3-8-6.

29 (c) A candidate for the office of judge of a city court must reside in
30 the county upon the filing of a certificate of candidate selection under
31 IC 3-13-1-15 or IC 3-13-2-8.

32 **(d) This subsection applies to a candidate for the office of judge**
33 **of a city court listed in IC 33-10.1-5-7(c). Before a candidate for the**
34 **office of judge of the court may file a:**

35 **(1) declaration of candidacy or petition of nomination; or**

36 **(2) certificate of candidate selection under IC 3-13-1-15 or**
37 **IC 3-13-2-8;**

38 **the candidate must be an attorney in good standing admitted to the**
39 **practice of law in Indiana.**

40 SECTION 4. IC 3-8-1-29.5 IS ADDED TO THE INDIANA CODE
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: Sec. 29.5. (a) This section applies to a candidate

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1 **for the office of judge of a town court listed in IC 33-10.1-5-7(c).**

2 **(b) Before a candidate for the office of judge of the court may**
3 **file a:**

- 4 **(1) declaration of candidacy or petition of nomination; or**
- 5 **(2) certificate of candidate selection under IC 3-13-1-15 or**
6 **IC 3-13-2-8;**

7 **the candidate must be an attorney in good standing admitted to the**
8 **practice of law in Indiana.**

9 SECTION 5. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE UPON PASSAGE]: Sec. 4. The copy of the oath under
11 section 2 of this chapter shall be deposited by the person as follows:

- 12 (1) Of all officers whose oath is endorsed on the commission and
13 whose duties are not limited to a particular county, in the office
14 of the secretary of state.
- 15 (2) Of county officers, and constables of a small claims court, in
16 the circuit court clerk's office of the county.
- 17 (3) Of county council members, officers appointed by the board
18 of county commissioners, and township officers that the board
19 may require to do so, with the county auditor.
- 20 (4) Of township board members, with the township trustee.
- 21 (5) Of city officers, in the office of the clerk of the city-county
22 council, city clerk, or city clerk-treasurer.
- 23 (6) Of deputies of the surveyor, in a book kept by the surveyor for
24 this purpose.
- 25 (7) Of town officers, in the office of the town clerk-treasurer.
- 26 (8) Of a justice, judge, or prosecuting attorney, in the office of the
27 secretary of state.
- 28 (9) Of a deputy prosecuting attorney, in the office of the clerk of
29 the circuit court of the county in which the deputy prosecuting
30 attorney resides **or serves**.
- 31 (10) Of a school board member, in the circuit court clerk's office
32 of the county containing the greatest percentage of population of
33 the school corporation.

34 SECTION 6. IC 33-14-1-1.5 IS ADDED TO THE INDIANA CODE
35 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: **1.5. (a) This section does not apply to a deputy**
37 **prosecuting attorney appointed by a prosecuting attorney or a**
38 **special prosecutor appointed by a court.**

39 **(b) To be eligible to hold office as a prosecuting attorney, a**
40 **person must be a resident of the judicial circuit that the person**
41 **serves.**

42 SECTION 7. **An emergency is declared for this act.**



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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 274, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Elections.

(Reference is to SB 274 as introduced.)

GARTON, Chairperson

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill No. 274, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 10, after "FOLLOWS" insert "[EFFECTIVE UPON PASSAGE]".

and when so amended that said bill do pass.

(Reference is to SB 274 as printed January 27, 1999.)

LANDSKE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 274 be AMENDED to read as follows:

Page 3, after line 8 and before line 9, begin a new paragraph and insert:

"SECTION 5. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

- (1) Of all officers whose oath is endorsed on the commission and whose duties are not limited to a particular county, in the office of the secretary of state.
- (2) Of county officers, and constables of a small claims court, in the circuit court clerk's office of the county.
- (3) Of county council members, officers appointed by the board of county commissioners, and township officers that the board may require to do so, with the county auditor.
- (4) Of township board members, with the township trustee.
- (5) Of city officers, in the office of the clerk of the city-county council, city clerk, or city clerk-treasurer.
- (6) Of deputies of the surveyor, in a book kept by the surveyor for this purpose.
- (7) Of town officers, in the office of the town clerk-treasurer.
- (8) Of a justice, judge, or prosecuting attorney, in the office of the secretary of state.
- (9) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides **or serves**.
- (10) Of a school board member, in the circuit court clerk's office of the county containing the greatest percentage of population of the school corporation."

Page 3, line 9, delete "SECTION 5." and insert "SECTION 6."

Page 3, line 17, delete "SECTION 6." and insert "SECTION 7."

(Reference is to Senate Bill 274 as printed February 10, 1999.)

ALEXA

COPY

