January 10, 2012

SENATE BILL No. 193

DIGEST OF SB 193 (Updated January 9, 2012 12:09 pm - DI 102)

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.

C o p y

January 10, 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.

C o p y

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:

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

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

C o p y

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 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. 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 is invalid.

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

C o p y

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 nature of the corporation's business.

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

Copy

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.

Copy