
HOUSE BILL No. 1408

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-48; IC 3-8; IC 3-9-8; IC 3-11-2-12; IC 4-1-6-1; IC 4-2; IC 4-3-6-2; IC 5-8-3.5-1; IC 5-14-3-3.5; IC 5-24-1-2; IC 8-1-1.

Synopsis: Elect utility regulatory commission members. Provides for the election of the members of the utility regulatory commission on a nonpartisan basis beginning with the 2014 general election. Increases the number of commissioners from five to nine, and provides for the election of one commissioner from election districts that correspond to Indiana's congressional districts. Provides for voluntary public financing of campaigns for the office of member of the commission funded from the public utility fund. Appropriates sufficient money in the public utility fund to fund campaigns.

Effective: July 1, 2013.

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January 22, 2013, read first time and referred to Committee on Utilities and Energy.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1408



A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

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

- 1 SECTION 1. IC 3-5-2-48 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2013]: Sec. 48. "State office" refers to **the**
- 3 **following offices:**
- 4 (1) **The** governor.
- 5 (2) **The** lieutenant governor.
- 6 (3) **The** secretary of state.
- 7 (4) **The** auditor of state.
- 8 (5) **The** treasurer of state.
- 9 (6) **The** superintendent of public instruction.
- 10 (7) **The** attorney general.
- 11 (8) **A** justice of the supreme court.
- 12 (9) **A** judge of the court of appeals. ~~and~~
- 13 (10) **A** judge of the tax court.
- 14 (11) **Beginning January 1, 2014, a member of the Indiana**
- 15 **utility regulatory commission.**
- 16 SECTION 2. IC 3-8-1-2 IS AMENDED TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The commission, a county



1 election board, or a town election board shall act if a candidate (or a
 2 person acting on behalf of a candidate in accordance with state law) has
 3 filed any of the following:

4 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.

5 (2) A request for ballot placement in a presidential primary under
 6 IC 3-8-3.

7 (3) A petition of nomination or candidate's consent to nomination
 8 under IC 3-8-6.

9 (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,
 10 IC 3-10-2-15, or IC 3-10-6-12.

11 (5) A certificate of candidate selection under IC 3-13-1 or
 12 IC 3-13-2.

13 (6) A declaration of intent to be a write-in candidate under
 14 IC 3-8-2-2.5.

15 (7) A contest to the denial of certification under IC 3-8-6-12.

16 (b) The commission has jurisdiction to act under this section with
 17 regard to any filing described in subsection (a) that was made with the
 18 election division. Except for a filing under the jurisdiction of a town
 19 election board, a county election board has jurisdiction to act under this
 20 section with regard to any filing described in subsection (a) that was
 21 made with the county election board, county voter registration office,
 22 or the circuit court clerk. A town election board has jurisdiction to act
 23 under this section with regard to any filing that was made with the
 24 county election board, the county voter registration office, or the circuit
 25 court clerk for nomination or election to a town office.

26 (c) Except as provided in subsection (e), before the commission or
 27 election board acts under this section, a registered voter of the election
 28 district that a candidate seeks to represent must file a sworn statement
 29 with the election division or election board:

30 (1) questioning the eligibility of a candidate to seek the office;
 31 and

32 (2) setting forth the facts known to the voter concerning this
 33 question.

34 (d) The eligibility of a write-in candidate or a candidate nominated
 35 by a convention, petition, or primary may not be challenged under this
 36 section if the commission or board determines that all of the following
 37 occurred:

38 (1) The eligibility of the candidate was challenged under this
 39 section before the candidate was nominated.

40 (2) The commission or board conducted a hearing on the affidavit
 41 before the nomination.

42 (3) This challenge would be based on substantially the same

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- 1 grounds as the previous challenge to the candidate.
- 2 (e) Before the commission or election board can consider a contest
- 3 to the denial of a certification under **IC 3-8-2.7-13** or IC 3-8-6-12 a
- 4 candidate (or a person acting on behalf of a candidate in accordance
- 5 with state law) must file a sworn statement with the election division
- 6 or election board:
- 7 (1) stating specifically the basis for the contest; and
- 8 (2) setting forth the facts known to the candidate supporting the
- 9 basis for the contest.
- 10 (f) Upon the filing of a sworn statement under subsection (c) or (e),
- 11 the commission or election board shall determine the validity of the
- 12 questioned:
- 13 (1) declaration of candidacy;
- 14 (2) declaration of intent to be a write-in candidate;
- 15 (3) request for ballot placement under IC 3-8-3;
- 16 (4) petition of nomination;
- 17 (5) certificate of nomination;
- 18 (6) certificate of candidate selection issued under IC 3-13-1-15 or
- 19 IC 3-13-2-8; or
- 20 (7) denial of a certification under IC 3-8-6-12.
- 21 (g) The commission or election board shall deny a filing if the
- 22 commission or election board determines that the candidate has not
- 23 complied with the applicable requirements for the candidate set forth
- 24 in the Constitution of the United States, the Constitution of the State of
- 25 Indiana, or this title.
- 26 SECTION 3. IC 3-8-1-33, AS AMENDED BY P.L.90-2012,
- 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2013]: Sec. 33. (a) A candidate for an office listed in
- 29 subsection (b) must file a statement of economic interests.
- 30 (b) Whenever a candidate for any of the following offices is also
- 31 required to file a declaration of candidacy or is nominated by petition,
- 32 the candidate shall file a statement of economic interests before filing
- 33 the declaration of candidacy or declaration of intent to be a write-in
- 34 candidate, before the petition of nomination is filed, before the
- 35 certificate of nomination is filed, or before being appointed to fill a
- 36 candidate vacancy under IC 3-13-1 or IC 3-13-2:
- 37 (1) Governor, lieutenant governor, secretary of state, auditor of
- 38 state, treasurer of state, attorney general, **member of the Indiana**
- 39 **utility regulatory commission**, and state superintendent of
- 40 public instruction, in accordance with IC 4-2-6-8.
- 41 (2) Senator and representative in the general assembly, in
- 42 accordance with IC 2-2.1-3-2.

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(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 4. IC 3-8-2.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 2.7. Nomination and Election of Members of the Indiana Utility Regulatory Commission

Sec. 1. Beginning with the 2014 general election, the members of the Indiana utility regulatory commission shall be nominated and elected as provided in this chapter.

Sec. 2. Each commission member shall be elected at a general election on a nonpartisan basis.

Sec. 3. (a) The election districts of the commission members correspond to Indiana's congressional districts established in IC 3-3-5. For purposes of reference to the commission's election districts, each election district has the same number as the corresponding congressional district.

(b) One (1) commission member shall be elected from each commission election district.

Sec. 4. A candidate for election to the commission must satisfy the following after January 1 of the year of the individual's election:

(1) The individual must be a registered Indiana voter.

(2) The individual must be a resident of the election district from which the individual seeks election.

(3) The individual may not:

(A) have any official or professional relationship or connection with;

(B) hold any stock or securities in; or

(C) have any pecuniary interest in;

any public utility operating in Indiana.

Sec. 5. (a) An individual may be nominated to be a candidate for election to be a commission member by petition of voters.

(b) A voter who signs a petition of nomination for a candidate must be registered to vote:

(1) in the election district from which the candidate seeks to be elected; and

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- (2) on both the date:**
 - (A) the voter signs the petition; and**
 - (B) the county voter registration office certifies the petition under section 8 of this chapter.**

(c) A petition of nomination must be signed by the number of voters equal to one percent (1%) of the total vote cast at the most recent election for secretary of state in the election district from which the candidate seeks to be elected. In determining the number of signatures required under this subsection, any fraction in excess of a whole number is disregarded.

Sec. 6. (a) A petition of nomination must state all the following:

- (1) The name of the candidate as:**
 - (A) the candidate wants the candidate's name to appear on the ballot; and**
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.**
- (2) The address of each candidate, including the mailing address, if different from the residence address of the candidate.**
- (3) The office that each candidate seeks.**
- (4) The election district from which the candidate seeks election.**
- (5) That the petitioners:**
 - (A) want; and**
 - (B) are registered and qualified; to vote for the candidate named in the petition.**

(b) A petition of nomination may not:

- (1) designate a political party or represent that the candidate named in the petition is affiliated with any political party; or**
- (2) include the name of any other candidate on the petition.**

Sec. 7. (a) The signatures to a petition of nomination need not be appended to one (1) paper, but a petitioner may not be counted unless at the time of signing the petitioner is registered and qualified to vote. Each petition must contain the following:

- (1) The signature of each petitioner.**
- (2) The name of each petitioner legibly printed.**
- (3) The residence mailing address of each petitioner.**

(b) Each petitioner on a petition of nomination must sign the petitioner's name or have the petitioner's mark attested.

Sec. 8. For a petition of nomination to be considered valid, the county voter registration office of the county where the petitioner is registered must certify that each petitioner is a voter in the

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1 county. The certification must accompany and be part of each
 2 petition. The certification must indicate that each petitioner is
 3 eligible to vote for the candidates being nominated by the petition.

4 **Sec. 9. (a)** A petition of nomination must be submitted to the
 5 county voter registration office of each county in which the election
 6 district is located.

7 (b) The petition must be filed during the period beginning on the
 8 first date that a declaration of candidacy for a primary election
 9 may be filed under IC 3-8-2-4 in the year in which the election will
 10 be held and ending at noon June 30 before the election.

11 (c) The county voter registration office shall certify and file a
 12 petition that complies with the requirements of this chapter with
 13 the secretary of state not later than noon July 15 before the
 14 election. Following certification of a petition under this section, the
 15 office may, upon the request of a candidate named in the petition,
 16 return the original petition to the candidate for filing with the
 17 secretary of state in accordance with this subsection.

18 **Sec. 10. (a)** The petition of nomination must be accompanied by
 19 the following:

- 20 (1) The candidate's written consent to become a candidate.
 21 (2) A statement that the candidate:
 22 (A) is aware of the provisions of IC 3-9 regarding
 23 campaign finance and the reporting of campaign
 24 contributions and expenditures; and
 25 (B) agrees to comply with the provisions of IC 3-9.

26 The candidate must separately sign the statement required by
 27 this subdivision.

- 28 (3) A statement by the candidate that the candidate has filed
 29 a campaign finance statement of organization under
 30 IC 3-9-1-5 or is aware that the candidate may be required to
 31 file a campaign finance statement of organization not later
 32 than noon seven (7) days after the final date for filing a
 33 petition for nomination under this chapter.

- 34 (4) A statement indicating whether or not the candidate:
 35 (A) has been a candidate for state or local office in a
 36 previous primary or general election; and
 37 (B) has filed all reports required by IC 3-9-5-10 for all
 38 previous candidacies.

- 39 (5) A statement that the candidate is legally qualified to hold
 40 the office that the candidate seeks, including any applicable
 41 residency requirements and restrictions on service due to a
 42 criminal conviction.

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- 1 **(6) A statement signed by the circuit court clerk of each**
 2 **county in the election district of the office sought by the**
 3 **individual that:**
 4 **(A) is certified by each circuit court clerk; and**
 5 **(B) indicates the number of votes cast for secretary of**
 6 **state:**
 7 **(i) at the most recent election for secretary of state; and**
 8 **(ii) in the part of the county included in the election**
 9 **district of the office sought by the individual filing the**
 10 **petition.**
 11 **(7) The statement of economic interests required under**
 12 **IC 3-8-1-33.**
 13 **(b) The secretary of state shall:**
 14 **(1) determine whether a sufficient number of signatures as**
 15 **required by this chapter have been obtained; and**
 16 **(2) do one (1) of the following:**
 17 **(A) If the petition includes a sufficient number of**
 18 **signatures, certify the petition.**
 19 **(B) If the petition has an insufficient number of signatures,**
 20 **deny the certification.**
 21 **(c) The secretary of state shall, not later than noon on the date**
 22 **specified under IC 3-8-7-16 for the certification of candidates and**
 23 **public questions by the election division:**
 24 **(1) certify; or**
 25 **(2) deny certification;**
 26 **under subsection (b) of each petition of nomination filed in the**
 27 **secretary of state's office to the appropriate county.**
 28 **(d) The form of a petition of nomination must include the**
 29 **following information near the separate signature required by**
 30 **subsection (a)(2):**
 31 **(1) The dates for filing campaign finance reports under**
 32 **IC 3-9.**
 33 **(2) The penalties for late filing of campaign finance reports**
 34 **under IC 3-9.**
 35 **(e) A candidate's consent to become a candidate must include a**
 36 **statement that the candidate requests the name on the candidate's**
 37 **voter registration record be the same as the name the candidate**
 38 **uses on the consent to become a candidate. If there is a difference**
 39 **between the name on the candidate's consent to become a**
 40 **candidate and the name on the candidate's voter registration**
 41 **record, the secretary of state shall forward the information to the**
 42 **voter registration office of the appropriate county as required by**

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1 IC 3-5-7-6(e). The voter registration office of the appropriate
 2 county shall change the name on the candidate's voter registration
 3 record to be the same as the name on the candidate's consent to
 4 become a candidate.

5 (f) If the secretary of state denies certification under subsection
 6 (c), the secretary of state shall notify the candidate immediately by
 7 certified mail.

8 (g) A candidate may contest the denial of certification under
 9 subsection (c) based on:

- 10 (1) the county voter registration office's failure to certify,
 11 under section 8 of this chapter, qualified petitioners; or
 12 (2) the determination described in subsection (b)(1);
 13 using the procedure in IC 3-8-1-2 and section 13 of this chapter
 14 that applies to questions concerning the validity of a petition of
 15 nomination.

16 Sec. 11. (a) A candidate's nomination by petition under this
 17 chapter is not effective unless the candidate timely files each
 18 document required under this chapter.

19 (b) The election division may not certify the name of a candidate
 20 for placement on a ballot by a county election board if the
 21 candidate's nomination is ineffective under subsection (a).

22 Sec. 12. A candidate may withdraw a petition of nomination not
 23 later than noon July 15 before the general election.

24 Sec. 13. (a) A person may not be selected as a candidate by
 25 petition of nomination without giving written consent and having
 26 it filed with the secretary of state.

27 (b) Each candidate nominated by petition of nomination must
 28 satisfy all statutory eligibility requirements for the office for which
 29 the candidate is nominated, including the filing of statements of
 30 economic interest.

31 (c) All questions concerning the validity of a petition of
 32 nomination filed with the secretary of state or contesting the denial
 33 of certification under this chapter shall be referred to and
 34 determined by the commission. A statement questioning the
 35 validity of a petition of nomination or contesting the denial of
 36 certification under this chapter must be filed with the election
 37 division under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon
 38 seventy-four (74) days before the date on which the general election
 39 will be held for the office.

40 (d) The commission shall rule on the validity of the petition of
 41 nomination or the denial of certification under this chapter not
 42 later than noon sixty (60) days before the date on which the general

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election will be held for the office.

Sec. 14. (a) This section applies if an individual:

- (1) files a petition of nomination under this chapter;**
- (2) moves from the election district that the individual sought to represent following the filing of the petition of nomination;**
- (3) does not file a notice of withdrawal of candidacy under section 12 of this chapter; and**
- (4) is no longer an active candidate.**

(b) Upon determining that this section applies, a registered voter in the election district or a candidate for the office sought by the individual described in subsection (a) may file an action in the circuit court in the county where the individual described in subsection (a) resided. The complaint in this action must:

- (1) name the individual described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants;**
- (2) state that this section applies to the individual described in subsection (a); and**
- (3) be filed not later than a notice of withdrawal could have been filed under section 12 of this chapter.**

(c) When a complaint is filed under subsection (b), the circuit court shall conduct a hearing and rule on the petition not later than ten (10) days after it is filed.

(d) If the court finds in favor of the plaintiff, the individual named in the action may not be certified as elected to the office.

SECTION 5. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 8. Public Financing of Utility Regulatory Commission Campaigns

Sec. 1. This chapter applies to the campaign of a candidate for the office of member of the Indiana utility regulatory commission.

Sec. 2. As used in this chapter, "candidate" means a candidate for the office of member of the Indiana utility regulatory commission.

Sec. 3. (a) The commission election campaign account is established within the public utility fund under IC 8-1-6.

(b) Each fiscal year in which the office of member of the Indiana utility regulatory commission will appear on the ballot there is appropriated from the public utility fund to the commission election campaign account an amount sufficient to fully fund the campaign of each eligible candidate.

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1 (c) The amount described in subsection (b) shall be determined
 2 by the commission with the approval of the budget agency not later
 3 than March 31 in a year in which the office of member of the
 4 Indiana utility regulatory commission will appear on the ballot.

5 (d) This subsection applies in a year in which the funds available
 6 in the public utility fund are insufficient to fund the amount
 7 required under subsection (b). The budget agency shall approve a
 8 transfer from the contingency fund established by IC 8-1-6-1 to the
 9 commission election campaign account of an amount equal to the
 10 difference between the amount in the public utility fund and the
 11 amount required under subsection (b).

12 **Sec. 4. (a)** A candidate for member of the Indiana utility
 13 regulatory commission shall file a statement of intent to accept or
 14 reject a grant under this chapter.

15 (b) The statement required under subsection (a) must be filed
 16 not later than the deadline for filing a petition of nomination under
 17 IC 3-8-2.7. A candidate may file an amended statement of intent
 18 not later than fifteen (15) calendar days after the deadline for filing
 19 a petition of nomination under IC 3-8-2.7.

20 (c) A candidate who files a statement of intent to accept a grant
 21 shall affirm that the candidate and the candidate's treasurer have
 22 complied with and will continue to comply with the contribution
 23 and expenditure limits established by section 6(a)(6) of this
 24 chapter.

25 (d) A candidate who files a statement of intent to reject a grant
 26 under this chapter may file an affidavit agreeing to voluntarily
 27 comply with the expenditure limit that applies to a candidate who
 28 accepts a grant. A candidate who files an affidavit under this
 29 subsection may rescind the affidavit not later than fifteen (15)
 30 calendar days after the deadline for filing a petition of nomination
 31 under IC 3-8-2.7.

32 **Sec. 5. (a)** This section applies to each candidate who:

- 33 (1) receives funds under this chapter; or
- 34 (2) does not receive funds under this chapter.

35 (b) Each candidate shall comply with IC 3-9-1 through IC 3-9-7.

36 **Sec. 6. (a)** The state election board shall certify that a candidate
 37 for the office of member of the Indiana utility regulatory
 38 commission is eligible to receive public financing of the candidate's
 39 campaign if each of the following conditions are met:

- 40 (1) The candidate has filed a timely statement of intent to
 41 accept a grant.
- 42 (2) The candidate is certified to appear on the ballot in the

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- year in which the grant is sought.
- (3) The candidate is opposed by at least one (1) other candidate.
- (4) The candidate has:
 - (A) not accepted or expended any contributions to the candidate's campaign from any source other than the candidate's own funds; or
 - (B) if the candidate accepted a contribution before filing a statement of intent under section 4 of this chapter, returned the contribution.
- (5) The candidate has accepted and expended contributions to the candidate's campaign from the candidate's own funds in an amount of:
 - (A) at least one thousand dollars (\$1,000); and
 - (B) not more than two thousand dollars (\$2,000).
- (6) The candidate agrees to limit the candidate's campaign expenditures to an amount equal to the sum of:
 - (A) any grants under section 7 of this chapter; and
 - (B) the amount the candidate contributed from the candidate's own funds under subdivision (5).
- (b) The election division shall certify a candidate's eligibility to receive a grant not later than thirty (30) days after the deadline for filing a petition of nomination under IC 3-8-2.7.
- (c) The election division's certificate must indicate the following:
 - (1) Whether the candidate is eligible to receive a grant.
 - (2) If the candidate is eligible, the amount of the grant the candidate is to receive.
 - (3) If the candidate is not eligible, the reason the candidate is not eligible and what action, if any, the candidate may take to qualify for the grant.
- (d) The election division shall immediately certify a candidate who was not initially eligible but subsequently took the action necessary to become eligible.
- (e) Immediately after certifying a candidate, the election division shall provide the treasurer of state with the following:
 - (1) A copy of the candidate's certificate.
 - (2) An executed disbursement voucher.
- Sec. 7. (a) Grants shall be awarded to eligible candidates not sooner than July 15 and before August 15 in the year in which the candidate will appear on the ballot.
- (b) An eligible candidate shall receive a grant in the amount of seventy-five thousand dollars (\$75,000).

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1 **Sec. 8. (a) Grant funds may be used only as follows:**

2 (1) To pay for goods and services necessary to the operation
3 of the candidate's campaign.

4 (2) To pay for rental of office space or capital equipment,
5 including computer hardware.

6 **(b) Grant funds may not be used for the following:**

7 (1) To compensate the candidate or a member of the
8 candidate's immediate family.

9 (2) To pay the candidate's household expenses.

10 (3) To purchase office space or capital equipment, including
11 computer hardware.

12 **(c) Grant funds remain the property of the state until disbursed
13 for lawful campaign purposes.**

14 **(d) The candidate shall return unexpended grant funds to the
15 state not later than sixty (60) days after the election.**

16 **Sec. 9. (a) Not later than sixty (60) days after an election, each
17 candidate who received a grant under section 8 of this chapter shall
18 file a report with the election division describing all:**

19 (1) expenditures disbursed; and

20 (2) contributions received;

21 **for the candidate's campaign. The report must include copies of
22 any receipts or other proof available of the items described.**

23 **(b) The election division may conduct a random audit of a
24 candidate's campaign accounts and records to verify the accuracy
25 of the report.**

26 **Sec. 10. (a) The commission shall prescribe forms for reports
27 and statements required under this chapter.**

28 **(b) The candidate or the candidate's treasurer shall sign and
29 date each report or statement filed under this chapter.**

30 **Sec. 11. The commission shall adopt rules under IC 4-22-2 to
31 implement this chapter.**

32 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.6-2012,
33 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2013]: Sec. 12. The following offices shall be placed on the
35 general election ballot in the following order after the public questions
36 described in section 10(a) of this chapter:

37 (1) Federal and state offices:

38 (A) President and Vice President of the United States.

39 (B) United States Senator.

40 (C) Governor and lieutenant governor.

41 (D) Secretary of state.

42 (E) Auditor of state.

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- 1 (F) Treasurer of state.
 2 (G) Attorney general.
 3 (H) Superintendent of public instruction.
 4 (I) United States Representative.
 5 **(J) Member of the Indiana utility regulatory commission.**
 6 (2) Legislative offices:
 7 (A) State senator.
 8 (B) State representative.
 9 (3) Circuit offices and county judicial offices:
 10 (A) Judge of the circuit court, and unless otherwise specified
 11 under IC 33, with each division separate if there is more than
 12 one (1) judge of the circuit court.
 13 (B) Judge of the superior court, and unless otherwise specified
 14 under IC 33, with each division separate if there is more than
 15 one (1) judge of the superior court.
 16 (C) Judge of the probate court.
 17 (D) Prosecuting attorney.
 18 (E) Clerk of the circuit court.
 19 (4) County offices:
 20 (A) County auditor.
 21 (B) County recorder.
 22 (C) County treasurer.
 23 (D) County sheriff.
 24 (E) County coroner.
 25 (F) County surveyor.
 26 (G) County assessor.
 27 (H) County commissioner.
 28 (I) County council member.
 29 (5) Township offices:
 30 (A) Township assessor (only in a township referred to in
 31 IC 36-6-5-1(d)).
 32 (B) Township trustee.
 33 (C) Township board member.
 34 (D) Judge of the small claims court.
 35 (E) Constable of the small claims court.
 36 (6) City offices:
 37 (A) Mayor.
 38 (B) Clerk or clerk-treasurer.
 39 (C) Judge of the city court.
 40 (D) City-county council member or common council member.
 41 (7) Town offices:
 42 (A) Clerk-treasurer.

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(B) Judge of the town court.
(C) Town council member.
SECTION 7. IC 4-1-6-1, AS AMENDED BY P.L.2-2007,
SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2013]: Sec. 1. ~~As used in~~ **The following definitions apply
throughout** this chapter: ~~the term:~~

~~(a)~~ **(1)** "Personal information system" means any recordkeeping
process, whether automated or manual, containing personal
information and the name, personal number, or other identifying
particulars of a data subject.

~~(b)~~ **(2)** "Personal information" means any information that
describes, locates, or indexes anything about an individual or that
affords a basis for inferring personal characteristics about an
individual including, but not limited to, ~~his~~ **the individual's**
education, financial transactions, medical history, criminal or
employment records, finger and voice prints, photographs, or ~~his~~
the individual's presence, registration, or membership in an
organization or activity or admission to an institution.

~~(c)~~ **(3)** "Data subject" means an individual about whom personal
information is indexed or may be located under ~~his~~ **the
individual's** name, personal number, or other identifiable
particulars, in a personal information system.

~~(d)~~ **(4)** "State agency" means every agency, board, commission,
department, bureau, or other entity of the administrative branch
of Indiana state government, except those which are the
responsibility of **any of the following:**

- (A)** The auditor of state.
- (B)** ~~The~~ treasurer of state.
- (C)** ~~The~~ secretary of state.
- (D)** ~~The~~ attorney general.
- (E)** ~~The~~ superintendent of public instruction. ~~and excepting~~
- (F)** ~~The~~ **Indiana utility regulatory commission.**
- (G)** ~~The department of state police and department.~~
- (H)** ~~The~~ state educational institutions.

~~(e)~~ **(5)** "Confidential" means information which has been so
designated by statute or by promulgated rule or regulation based
on statutory authority.

SECTION 8. IC 4-2-1-1.5, AS ADDED BY P.L.43-2007, SECTION
11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2013]: Sec. 1.5. (a) Subject to subsection (b), the salary of the state
elected officials other than the governor is as follows:

(1) For the lieutenant governor, seventy-six thousand dollars

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1 (\$76,000) per year. However, the lieutenant governor is not
 2 entitled to receive per diem allowance for performance of duties
 3 as president of the senate.

4 (2) For the secretary of state, sixty-six thousand dollars (\$66,000)
 5 per year.

6 (3) For the auditor of state, sixty-six thousand dollars (\$66,000)
 7 per year.

8 (4) For the treasurer of state, sixty-six thousand dollars (\$66,000)
 9 per year.

10 (5) For the attorney general, seventy-nine thousand four hundred
 11 dollars (\$79,400) per year.

12 (6) For the state superintendent of public instruction, seventy-nine
 13 thousand four hundred dollars (\$79,400) per year.

14 **(7) Beginning January 1, 2015, for a member of the Indiana**
 15 **utility regulatory commission, one hundred six thousand**
 16 **dollars (\$106,000) per year. The chair of the commission is**
 17 **entitled to an additional five thousand dollars (\$5,000) per**
 18 **year.**

19 (b) Beginning January 1, 2008, the part of the total salary of a state
 20 elected official is increased on January 1 of each year after a year in
 21 which the general assembly does not amend this section to provide a
 22 salary increase for the state elected official. **Beginning January 1,**
 23 **2016, the part of the total salary of a member of the Indiana utility**
 24 **regulatory commission is increased as provided in this section for**
 25 **the other state elected officials.**

26 (c) The percentage by which salaries are increased under this
 27 section is equal to the statewide average percentage, as determined by
 28 the budget director, by which the salaries of state employees in the
 29 executive branch who are in the same or a similar salary bracket
 30 exceed, for the current state fiscal year, the salaries of executive branch
 31 state employees in the same or a similar salary bracket that were in
 32 effect on January 1 of the immediately preceding year.

33 (d) The amount of a salary increase under this section is equal to the
 34 amount determined by applying the percentage increase for the
 35 particular year to the salary of the state elected official, as previously
 36 adjusted under this section, that is in effect on January 1 of the
 37 immediately preceding year.

38 (e) A state elected official is not entitled to receive a salary increase
 39 under this section on January 1 of a state fiscal year in which state
 40 employees described in subsection (c) do not receive a statewide
 41 average salary increase.

42 (f) If a salary increase is required under this section, an amount

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1 sufficient to pay for the salary increase is appropriated from the state
2 general fund.

3 SECTION 9. IC 4-2-6-1, AS AMENDED BY P.L.114-2012,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 1. (a) As used in this chapter, and unless the
6 context clearly denotes otherwise:

7 (1) "Advisory body" means an authority, a board, a commission,
8 a committee, a task force, or other body designated by any name
9 of the executive department that is authorized only to make
10 nonbinding recommendations.

11 (2) "Agency" means an authority, a board, a branch, a bureau, a
12 commission, a committee, a council, a department, a division, an
13 office, a service, or other instrumentality of the executive,
14 including the administrative, department of state government. The
15 term includes a body corporate and politic set up as an
16 instrumentality of the state and a private, nonprofit, government
17 related corporation. The term does not include any of the
18 following:

19 (A) The judicial department of state government.

20 (B) The legislative department of state government.

21 (C) A state educational institution.

22 (D) A political subdivision.

23 (3) "Appointing authority" means the following:

24 (A) Except as provided in clause (B), the chief administrative
25 officer of an agency. The term does not include a state officer.

26 (B) For purposes of section 16 of this chapter, "appointing
27 authority" means:

28 (i) an elected officer;

29 (ii) the chief administrative officer of an agency; or

30 (iii) an individual or group of individuals who have the
31 power by law or by lawfully delegated authority to make
32 appointments.

33 (4) "Assist" means to:

34 (A) help;

35 (B) aid;

36 (C) advise; or

37 (D) furnish information to;

38 a person. The term includes an offer to do any of the actions in
39 clauses (A) through (D).

40 (5) "Business relationship" includes the following:

41 (A) Dealings of a person with an agency seeking, obtaining,
42 establishing, maintaining, or implementing;

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- 1 (i) a pecuniary interest in a contract or purchase with the
- 2 agency; or
- 3 (ii) a license or permit requiring the exercise of judgment or
- 4 discretion by the agency.
- 5 (B) The relationship a lobbyist has with an agency.
- 6 (C) The relationship an unregistered lobbyist has with an
- 7 agency.
- 8 (6) "Commission" refers to the state ethics commission created
- 9 under section 2 of this chapter.
- 10 (7) "Compensation" means any money, thing of value, or financial
- 11 benefit conferred on, or received by, any person in return for
- 12 services rendered, or for services to be rendered, whether by that
- 13 person or another.
- 14 (8) "Direct line of supervision" means the chain of command in
- 15 which the superior affects, or has the authority to affect, the terms
- 16 and conditions of the subordinate's employment, including
- 17 making decisions about work assignments, compensation,
- 18 grievances, advancements, or performance evaluation.
- 19 (9) "Employee" means an individual, other than a state officer,
- 20 who is employed by an agency on a full-time, a part-time, a
- 21 temporary, an intermittent, or an hourly basis. The term includes
- 22 an individual who contracts with an agency for personal services.
- 23 (10) "Employer" means any person from whom a state officer or
- 24 employee or the officer's or employee's spouse received
- 25 compensation. For purposes of this chapter, a customer or client
- 26 of a self-employed individual in a sole proprietorship or a
- 27 professional practice is not considered to be an employer.
- 28 (11) "Financial interest" means an interest:
- 29 (A) in a purchase, sale, lease, contract, option, or other
- 30 transaction between an agency and any person; or
- 31 (B) involving property or services.
- 32 The term includes an interest arising from employment or
- 33 prospective employment for which negotiations have begun. The
- 34 term does not include an interest of a state officer or employee in
- 35 the common stock of a corporation unless the combined holdings
- 36 in the corporation of the state officer or the employee, that
- 37 individual's spouse, and that individual's unemancipated children
- 38 are more than one percent (1%) of the outstanding shares of the
- 39 common stock of the corporation. The term does not include an
- 40 interest that is not greater than the interest of the general public
- 41 or any state officer or any state employee.
- 42 (12) "Information of a confidential nature" means information:

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- 1 (A) obtained by reason of the position or office held; and
- 2 (B) which:
 - 3 (i) a public agency is prohibited from disclosing under
 - 4 IC 5-14-3-4(a);
 - 5 (ii) a public agency has the discretion not to disclose under
 - 6 IC 5-14-3-4(b) and that the agency has not disclosed; or
 - 7 (iii) is not in a public record, but if it were, would be
 - 8 confidential.
- 9 (13) "Person" means any individual, proprietorship, partnership,
- 10 unincorporated association, trust, business trust, group, limited
- 11 liability company, or corporation, whether or not operated for
- 12 profit, or a governmental agency or political subdivision.
- 13 (14) "Political subdivision" means a county, city, town, township,
- 14 school district, municipal corporation, special taxing district, or
- 15 other local instrumentality. The term includes an officer of a
- 16 political subdivision.
- 17 (15) "Property" has the meaning set forth in IC 35-31.5-2-253.
- 18 (16) "Relative" means any of the following:
 - 19 (A) A spouse.
 - 20 (B) A parent or stepparent.
 - 21 (C) A child or stepchild.
 - 22 (D) A brother, sister, stepbrother, or stepsister.
 - 23 (E) A niece or nephew.
 - 24 (F) An aunt or uncle.
 - 25 (G) A daughter-in-law or son-in-law.
- 26 For purposes of this subdivision, an adopted child of an individual
- 27 is treated as a natural child of the individual. For purposes of this
- 28 subdivision, the terms "brother" and "sister" include a brother or
- 29 sister by the half blood.
- 30 (17) "Represent" means to do any of the following on behalf of a
- 31 person:
 - 32 (A) Attend an agency proceeding.
 - 33 (B) Write a letter.
 - 34 (C) Communicate with an employee of an agency.
- 35 (18) "Special state appointee" means a person who is:
 - 36 (A) not a state officer or employee; and
 - 37 (B) elected or appointed to an authority, a board, a
 - 38 commission, a committee, a council, a task force, or other
 - 39 body designated by any name that:
 - 40 (i) is authorized by statute or executive order; and
 - 41 (ii) functions in a policy or an advisory role in the executive
 - 42 (including the administrative) department of state

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- 1 government, including a separate body corporate and politic.
- 2 (19) "State officer" means any of the following:
- 3 (A) The governor.
- 4 (B) The lieutenant governor.
- 5 (C) The secretary of state.
- 6 (D) The auditor of state.
- 7 (E) The treasurer of state.
- 8 (F) The attorney general.
- 9 (G) The superintendent of public instruction.
- 10 **(H) A member of the Indiana utility regulatory**
- 11 **commission.**
- 12 (20) The masculine gender includes the masculine and feminine.
- 13 (21) The singular form of any noun includes the plural wherever
- 14 appropriate.
- 15 (b) The definitions in IC 4-2-7 apply throughout this chapter.
- 16 SECTION 10. IC 4-2-6-8, AS AMENDED BY P.L.23-2011,
- 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2013]: Sec. 8. (a) The following persons shall file a written
- 19 financial disclosure statement:
- 20 (1) **The following:**
- 21 (A) The governor.
- 22 (B) **The** lieutenant governor.
- 23 (C) **The** secretary of state.
- 24 (D) **The** auditor of state.
- 25 (E) **The** treasurer of state.
- 26 (F) **The** attorney general. ~~and~~
- 27 (G) **The** state superintendent of public instruction.
- 28 (H) **Beginning January 1, 2015, a member of the Indiana**
- 29 **utility regulatory commission.**
- 30 (2) Any candidate for one (1) of the offices in subdivision (1) who
- 31 is not the holder of one (1) of those offices.
- 32 (3) Any person who is the appointing authority of an agency.
- 33 (4) The director of each division of the department of
- 34 administration.
- 35 (5) Any purchasing agent within the procurement division of the
- 36 department of administration.
- 37 (6) Any agency employee, special state appointee, former agency
- 38 employee, or former special state appointee with final purchasing
- 39 authority.
- 40 (7) The chief investment officer employed by the Indiana public
- 41 retirement system.
- 42 (8) Any employee of the Indiana public retirement system whose

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- 1 duties include the recommendation, selection, and management
 2 of:
- 3 (A) the investments of the funds administered by the Indiana
 4 public retirement system;
 - 5 (B) the investment options offered in the annuity savings
 6 accounts in the public employees' retirement fund and the
 7 Indiana state teachers' retirement fund;
 - 8 (C) the investment options offered in the legislators' defined
 9 contribution plan; or
 - 10 (D) investment managers, investment advisors, and other
 11 investment service providers of the Indiana public retirement
 12 system.
- 13 (9) An employee required to do so by rule adopted by the
 14 inspector general.
- 15 (b) The statement shall be filed with the inspector general as
 16 follows:
- 17 (1) Not later than February 1 of every year, in the case of the state
 18 officers and employees enumerated in subsection (a).
 - 19 (2) If the individual has not previously filed under subdivision (1)
 20 during the present calendar year and is filing as a candidate for a
 21 state office listed in subsection (a)(1), before filing a declaration
 22 of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of
 23 nomination under IC 3-8-6, or declaration of intent to be a
 24 write-in candidate under IC 3-8-2-2.5, or before a certificate of
 25 nomination is filed under IC 3-8-7-8, in the case of a candidate for
 26 one (1) of the state offices (unless the statement has already been
 27 filed when required under IC 3-8-4-11).
 - 28 (3) Not later than sixty (60) days after employment or taking
 29 office, unless the previous employment or office required the
 30 filing of a statement under this section.
 - 31 (4) Not later than thirty (30) days after leaving employment or
 32 office, unless the subsequent employment or office requires the
 33 filing of a statement under this section.
- 34 The statement must be made under affirmation.
- 35 (c) The statement shall set forth the following information for the
 36 preceding calendar year or, in the case of a state officer or employee
 37 who leaves office or employment, the period since a previous statement
 38 was filed:
- 39 (1) The name and address of any person known:
 - 40 (A) to have a business relationship with the agency of the state
 41 officer or employee or the office sought by the candidate; and
 - 42 (B) from whom the state officer, candidate, or the employee,

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- 1 or that individual's spouse or unemancipated children received
 2 a gift or gifts having a total fair market value in excess of one
 3 hundred dollars (\$100).
- 4 (2) The location of all real property in which the state officer,
 5 candidate, or the employee or that individual's spouse or
 6 unemancipated children has an equitable or legal interest either
 7 amounting to five thousand dollars (\$5,000) or more or
 8 comprising ten percent (10%) of the state officer's, candidate's, or
 9 the employee's net worth or the net worth of that individual's
 10 spouse or unemancipated children. An individual's primary
 11 personal residence need not be listed, unless it also serves as
 12 income property.
- 13 (3) The names and the nature of the business of the employers of
 14 the state officer, candidate, or the employee and that individual's
 15 spouse.
- 16 (4) The following information about any sole proprietorship
 17 owned or professional practice operated by the state officer,
 18 candidate, or the employee or that individual's spouse:
 19 (A) The name of the sole proprietorship or professional
 20 practice.
 21 (B) The nature of the business.
 22 (C) Whether any clients are known to have had a business
 23 relationship with the agency of the state officer or employee or
 24 the office sought by the candidate.
 25 (D) The name of any client or customer from whom the state
 26 officer, candidate, employee, or that individual's spouse
 27 received more than thirty-three percent (33%) of the state
 28 officer's, candidate's, employee's, or that individual's spouse's
 29 nonstate income in a year.
- 30 (5) The name of any partnership of which the state officer,
 31 candidate, or the employee or that individual's spouse is a member
 32 and the nature of the partnership's business.
- 33 (6) The name of any corporation (other than a church) of which
 34 the state officer, candidate, or the employee or that individual's
 35 spouse is an officer or a director and the nature of the
 36 corporation's business.
- 37 (7) The name of any corporation in which the state officer,
 38 candidate, or the employee or that individual's spouse or
 39 unemancipated children own stock or stock options having a fair
 40 market value in excess of ten thousand dollars (\$10,000).
 41 However, if the stock is held in a blind trust, the name of the
 42 administrator of the trust must be disclosed on the statement

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1 instead of the name of the corporation. A time or demand deposit
2 in a financial institution or insurance policy need not be listed.

3 (8) The name and address of the most recent former employer.

4 (9) Additional information that the person making the disclosure
5 chooses to include.

6 Any such state officer, candidate, or employee may file an amended
7 statement upon discovery of additional information required to be
8 reported.

9 (d) A person who:

10 (1) fails to file a statement required by rule or this section in a
11 timely manner; or

12 (2) files a deficient statement;

13 upon a majority vote of the commission, is subject to a civil penalty at
14 a rate of not more than ten dollars (\$10) for each day the statement
15 remains delinquent or deficient. The maximum penalty under this
16 subsection is one thousand dollars (\$1,000).

17 (e) A person who intentionally or knowingly files a false statement
18 commits a Class A infraction.

19 SECTION 11. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2013]: Sec. 2. ~~As used in~~ **The following**
21 **definitions apply throughout** this chapter:

22 (1) "Agency" means any executive or administrative department,
23 commission, council, board, bureau, division, service, office,
24 officer, administration, or other establishment in the executive or
25 administrative branch of the state government not provided for by
26 the constitution. ~~The term~~ "Agency" does not include the
27 **following:**

28 (A) ~~The~~ secretary of state.

29 (B) The auditor of state.

30 (C) The treasurer of state.

31 (D) The lieutenant governor.

32 (E) The state superintendent of public instruction. ~~and~~

33 (F) The attorney general. ~~nor~~

34 (G) **The Indiana utility regulatory commission.**

35 (H) The departments of which ~~they~~ **any of the officers listed**
36 **in clauses (A) through (G)** are, by the statutes first adopted
37 setting out their duties, the administrative heads.

38 (2) "Reorganization" means:

39 (A) the transfer of the whole or any part of any agency, or of
40 the whole or any part of the functions thereof, to the
41 jurisdiction and control of any other agency;

42 (B) the abolition of all or any part of the functions of any

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- 1 agency;
- 2 (C) the consolidation or coordination of the whole or any part
- 3 of any agency, or of the whole or any part of the functions
- 4 thereof, with the whole or any part of any other agency or the
- 5 functions thereof;
- 6 (D) the consolidation or coordination of any part of any agency
- 7 or the functions thereof with any other part of the same agency
- 8 or the functions thereof;
- 9 (E) the authorization of any officer to delegate any of ~~his~~ **the**
- 10 **officer's** functions; or
- 11 (F) the abolition of the whole or any part of any agency which
- 12 agency or part does not have, or upon the taking effect of a
- 13 reorganization plan will not have, any functions.

14 SECTION 12. IC 5-8-3.5-1 IS AMENDED TO READ AS

15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) An officer who

16 wants to resign shall give written notice of the officer's resignation as

17 follows:

- 18 (1) The governor and lieutenant governor shall notify the
- 19 principal clerk of the house of representatives and the principal
- 20 secretary of the senate to act in accordance with Article 5, Section
- 21 10 of the Constitution of the State of Indiana. The clerk and the
- 22 secretary shall file a copy of the notice with the office of the
- 23 secretary of state.
- 24 (2) A member of the general assembly shall notify the following,
- 25 whichever applies:
- 26 (A) A member of the senate shall notify the president pro
- 27 tempore of the senate.
- 28 (B) A member of the house of representatives shall notify the
- 29 speaker of the house of representatives.
- 30 (3) The following officers ~~commissioned by the governor under~~
- 31 ~~IC 4-3-1-5~~ shall notify the governor:
- 32 (A) An elector or alternate elector for President and Vice
- 33 President of the United States.
- 34 (B) The **following officers:**
- 35 (i) **The** secretary of state.
- 36 (ii) **The** auditor of state.
- 37 (iii) **The** treasurer of state.
- 38 (iv) **The** superintendent of public instruction. ~~or~~
- 39 (v) **The** attorney general.
- 40 (vi) **A member of the Indiana utility regulatory**
- 41 **commission.**
- 42 (C) An officer elected by the general assembly, the senate, or

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- 1 the house of representatives.
- 2 (D) A justice of the Indiana supreme court, judge of the
- 3 Indiana court of appeals, or judge of the Indiana tax court.
- 4 (E) A judge of a circuit, city, county, probate, superior, town,
- 5 or township small claims court.
- 6 (F) A prosecuting attorney.
- 7 (G) A circuit court clerk.
- 8 (H) A county auditor, county recorder, county treasurer,
- 9 county sheriff, county coroner, or county surveyor.
- 10 (4) An officer of a political subdivision (as defined by
- 11 IC 36-1-2-13) other than an officer listed in subdivision (3) shall
- 12 notify the circuit court clerk of the county containing the largest
- 13 percentage of population of the political subdivision.
- 14 (5) An officer not listed in subdivisions (1) through (4) shall
- 15 notify the person or entity from whom the officer received the
- 16 officer's appointment.
- 17 (b) A person or an entity that receives notice of a resignation and
- 18 does not have the power to fill the vacancy created by the resignation
- 19 shall, not later than seventy-two (72) hours after receipt of the notice
- 20 of resignation, give notice of the vacancy to the person or entity that
- 21 has the power to:
- 22 (1) fill the vacancy; or
- 23 (2) call a caucus for the purpose of filling the vacancy.
- 24 SECTION 13. IC 5-14-3-3.5, AS AMENDED BY P.L.177-2005,
- 25 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2013]: Sec. 3.5. (a) As used in this section, "state agency" has
- 27 the meaning set forth in IC 4-13-1-1. The term does not include the
- 28 office of the following elected state officials:
- 29 (1) **The** secretary of state.
- 30 (2) **The** auditor **of state**.
- 31 (3) **The** treasurer **of state**.
- 32 (4) **The** attorney general.
- 33 (5) **The** superintendent of public instruction.
- 34 (6) **The Indiana utility regulatory commission.**
- 35 However, each state office described in subdivisions (1) through ~~(5)~~ (6)
- 36 and the judicial department of state government may use the computer
- 37 gateway administered by the office of technology established by
- 38 IC 4-13.1-2-1, subject to the requirements of this section.
- 39 (b) As an additional means of inspecting and copying public
- 40 records, a state agency may provide enhanced access to public records
- 41 maintained by the state agency.
- 42 (c) If the state agency has entered into a contract with a third party

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1 under which the state agency provides enhanced access to the person
 2 through the third party's computer gateway or otherwise, all of the
 3 following apply to the contract:

4 (1) The contract between the state agency and the third party must
 5 provide for the protection of public records in accordance with
 6 subsection (d).

7 (2) The contract between the state agency and the third party may
 8 provide for the payment of a reasonable fee to the state agency by
 9 either:

10 (A) the third party; or

11 (B) the person.

12 (d) A contract required by this section must provide that the person
 13 and the third party will not engage in the following:

14 (1) Unauthorized enhanced access to public records.

15 (2) Unauthorized alteration of public records.

16 (3) Disclosure of confidential public records.

17 (e) A state agency shall provide enhanced access to public records
 18 only through the computer gateway administered by the office of
 19 technology.

20 SECTION 14. IC 5-24-1-2, AS AMENDED BY P.L.2-2007,
 21 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2013]: Sec. 2. Unless the supervising body of
 23 the branch, institution, or office elects to have this article apply and
 24 records the election with the state board of accounts, this article does
 25 not apply to the following:

26 (1) The judicial branch.

27 (2) The legislative branch.

28 (3) A state educational institution.

29 (4) The offices of the **following**:

30 (A) **The** secretary of state.

31 (B) **The** auditor of state.

32 (C) **The** treasurer of state.

33 (D) **The** attorney general.

34 (E) **The** superintendent of public instruction. **and**

35 (F) **The Indiana utility regulatory commission.**

36 (G) The clerk of the supreme court.

37 SECTION 15. IC 8-1-1-2 IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) There is created the Indiana
 39 utility regulatory commission which shall consist of five (5) members,
 40 at least one (1) of whom shall be an attorney qualified to practice law
 41 before the supreme court of Indiana and not more than three (3) of
 42 whom belong to the same political party.

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1 (b) The members of the commission and all vacancies occurring
2 therein shall be appointed by the governor from among persons
3 nominated by the nominating committee in accordance with the
4 provisions of IC 8-1-1.5.

5 (c) The members may be removed at any time by the governor for
6 cause.

7 (d) The governor shall appoint one (1) member as chairman.

8 (e) The members of the commission shall be appointed for a term of
9 four (4) years, except when a member is appointed to fill a vacancy, in
10 which case such appointment shall be for such unexpired term only. All
11 members of said commission shall serve as such until their successors
12 are duly appointed and qualified, and while so serving shall devote full
13 time to the duties of the commission and shall not be actively engaged
14 in any other occupation, profession, or business that constitutes a
15 conflict of interest or otherwise interferes with carrying out their duties
16 as commissioners.

17 (f) A member of the commission or any person appointed to any
18 position or employed in any capacity to serve the commission, may not
19 have any official or professional relationship or connection with, or
20 hold any stock or securities or have any pecuniary interest in any public
21 utility operating in Indiana.

22 (g) Each member appointed to the Indiana utility regulatory
23 commission shall take and subscribe to an oath in writing that he will
24 faithfully perform the duties of his office, and support and defend to the
25 best of his ability the Constitution and laws of the state of Indiana and
26 of the United States of America, and such oath shall be filed with the
27 secretary of state.

28 (h) The chairman of the commission shall assign cases to the
29 various members of the commission or to administrative law judges for
30 hearings.

31 **(i) This section expires January 1, 2015.**

32 SECTION 16. IC 8-1-1-2.1 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2013] **Sec. 2.1. (a) This section applies beginning January 1,
35 2015.**

36 **(b) The Indiana utility regulatory commission is established.**

37 SECTION 17. IC 8-1-1-2.2 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2013]: **Sec. 2.2. (a) Beginning January 1, 2015, the commission
40 consists of nine (9) members.**

41 **(b) One (1) commission member shall be elected from each
42 commission election district described in IC 3-8-2.7-3.**

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1 (c) A commission member serves a term of four (4) years
2 beginning January 1 after the member's election.

3 (d) The governor shall appoint an individual qualified under
4 IC 3-8-2.7-4 to fill a vacancy that occurs on the commission. An
5 individual appointed by the governor under this subsection serves
6 for the remainder of the unexpired term.

7 (e) Each commission member shall take and subscribe to an
8 oath in writing that the member will:

9 (1) faithfully perform the duties of the office; and

10 (2) support and defend to the best of the member's abilities:

11 (A) the Constitution of the United States; and

12 (B) the Constitution of the State of Indiana and the laws of
13 the state of Indiana.

14 Each commission member's oath shall be filed with the secretary
15 of state.

16 (f) A commission member shall devote full time to the duties of
17 the commission and may not be actively engaged in any other
18 occupation, profession, or business that constitutes a conflict of
19 interest or otherwise interferes with carrying out the member's
20 duties.

21 (g) A commission member may not:

22 (1) have any official or professional relationship or connection
23 with;

24 (2) hold any stock or securities in; or

25 (3) have any pecuniary interest in;

26 any public utility operating in Indiana. A commission member who
27 violates this subsection forfeits membership on the commission.

28 SECTION 18. IC 8-1-1-2.3 IS ADDED TO THE INDIANA CODE
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
30 1, 2013] Sec. 2.3. (a) Notwithstanding section 2(e) of this chapter,
31 the term of office of a commission member serving under section
32 2 of this chapter expires January 1, 2015.

33 (b) A commission member shall be elected from each
34 commission election district at the 2014 general election.

35 (c) Notwithstanding section 2.2(c) of this chapter, the term of
36 office of each member elected at the 2014 general election is as
37 follows:

38 (1) The five (5) members who received the first, second, third,
39 fourth, and fifth highest vote totals of all the members elected
40 to the commission at the 2014 general election each serve a
41 four (4) year term, beginning January 1, 2015. The successors
42 of the members described in this subdivision shall be elected

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1 at the 2018 general election, and each serve a four (4) year
2 term, beginning January 1, 2019.

3 (2) The four (4) members who received the sixth, seventh,
4 eighth, and ninth highest vote totals of all the members elected
5 to the commission at the 2014 general election each serve a
6 two (2) year term, beginning January 1, 2015. The successors
7 of the members described in this subdivision shall be elected
8 at the 2016 general election, and each serve a four (4) year
9 term, beginning January 1, 2017.

10 (d) This section expires January 1, 2020.

11 SECTION 19. IC 8-1-1-2.4 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2013]: Sec. 2.4. (a) This section applies beginning January 1,
14 2015.

15 (b) At the commission's first meeting in January of each year,
16 the commission members shall elect the commission's chair from
17 among the members.

18 (c) The commission's chair serves until a successor is elected
19 under this section. The commission's chair may serve consecutive
20 terms.

21 (d) The commission's chair shall assign cases to the commission
22 members or to administrative law judges for hearings.

23 SECTION 20. IC 8-1-1-2.5 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2013] Sec. 2.5. (a) This section applies beginning January 1,
26 2015.

27 (b) A person appointed to a position or employed in any
28 capacity to serve the commission may not:

- 29 (1) have any official or professional relationship or connection
30 with;
31 (2) hold any stock or securities in; or
32 (3) have any pecuniary interest in;
33 any public utility operating in Indiana.

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