

IC 4-5

ARTICLE 5. SECRETARY OF STATE

IC 4-5-1

Chapter 1. Secretary of State

IC 4-5-1-1

Commencement of term; bond

Sec. 1. (a) The individual elected as secretary of state shall take office on January 1 following the individual's election.

(b) The secretary of state, before entering upon the duties of office, shall execute an official bond with freehold or corporate security. Freehold surety must be approved by the governor.

(Formerly: Acts 1852, IRS, c.96, s.1.) As amended by Acts 1978, P.L.12, SEC.1; P.L.8-1995, SEC.67.

IC 4-5-1-2

Preservation of documents; indexing system; micrographic copies; copies of rules

Sec. 2. (a) The secretary of state shall keep and preserve the following:

- (1) The enrolled copy of the Constitution of the state.
- (2) The manuscripts containing the enrolled acts and joint resolutions of the general assembly.
- (3) All the official bonds of state officers except the secretary of state's bond.
- (4) All written contracts to which the state is a party, unless required to be deposited elsewhere.
- (5) Any rule or other agency statement that is filed under IC 4-22-2 before July 1, 2006.

(b) All documents described in subsection (a)(1), (a)(2) or (a)(5) may be transferred by the secretary of state to the commission on public records for safekeeping, and the commission shall receive and safely preserve them when transferred. The secretary of state and the commission on public records shall establish an indexing system so that the secretary of state, an agency, or the commission on public records can comply with a request under IC 5-14-3 to inspect or copy a transferred document described in subsection (a)(5), including the full text of a matter incorporated by reference into a document described in subsection (a)(5). The indexing system must at least identify transferred documents by the following:

- (1) Indiana Administrative Code citation.
- (2) Indiana Register document control number or volume and page number.
- (3) Year of adoption.
- (4) General subject matter.

(c) Regardless of whether a document described in subsection (a)(1) or (a)(2) is transferred to the commission on public records under subsection (b), when deemed expedient or necessary for the preservation of the documents, the secretary of state may copy the

documents by any micrographic technique, and the micrographic copies shall be stored in a place other than in the state capitol building or the Indiana state library.

(d) The secretary of state may copy in micrographic form the complete contents of each rule that is filed with the secretary of state's office under IC 4-22-2 before July 1, 2006. Both the rule and the full text of matters incorporated by reference into the rule may be copied.

(e) Micrographic copies prepared under subsection (d) must conform with the following:

(1) The standards developed by the supreme court and the oversight commission on public records under IC 5-15-5.1-8.

(2) The standards developed in an agreement between the secretary of state, the publisher of the Indiana Register, the governor, the attorney general, the Indiana library and historical department, and the commission on public records.

(f) The secretary of state may micrographically copy documents under subsection (d):

(1) in the micrographic laboratory operated by the commission on public records under IC 5-15-5.1-8;

(2) with equipment and technology operated by the secretary of state; or

(3) through a contract for services procured under IC 5-22.

(g) When a document is micrographically copied under this section, the original documents shall never be destroyed even if microfilmed. However, if the secretary of state has the capacity to make certifiable copies from a micrographic media prepared under subsection (d), the secretary of state may return to its originating agency the full text of any matter that is incorporated by reference into a rule and micrographically copied.

(Formerly: Acts 1852, IRS, c.96, s.2; Acts 1957, c.5, s.1.) As amended by Acts 1978, P.L.12, SEC.2; Acts 1979, P.L.40, SEC.6; P.L.31-1985, SEC.39; P.L.11-1996, SEC.1; P.L.49-1997, SEC.3; P.L.123-2006, SEC.1.

IC 4-5-1-3

Copies of records and documents; evidence; official acts and proceedings of governor; inspection of records

Sec. 3. (a) If certified and sealed by the secretary of state with the state seal, any copy (including a copy that has been reproduced from a micrographic copy prepared under section 2 of this chapter) of any records, laws, acts, official bonds, registers, rules, or papers that are required by law to be kept in the office of the secretary of state shall, in all cases, be evidence equally and in like manner as the originals.

(b) The secretary of state shall attest all the official acts and proceedings of the governor and affix the seal of state, with such attestation, to all commissions, pardons, and other public instruments to which the signature of the governor is required.

(c) The secretary of state shall permit all the books, bonds, conveyances, registers, papers, accounts, and transactions of his

office to be open at all times to the inspection and examination of any committee of either branch of the general assembly.

(d) The secretary of state shall furnish information in writing upon any subject relating to the duties of his office to the governor, whenever required.

(Formerly: Acts 1852, IRS, c.96, s.3.) As amended by Acts 1978, P.L.12, SEC.3; P.L.31-1985, SEC.40.

IC 4-5-1-4

Certified copies of documents

Sec. 4. He shall furnish, on demand, to any person, a duly certified copy of all or any part of any law, act, record, public register, public document, or other instrument of writing on file, or deposited, pursuant to law, to be kept, in his office, and of which a copy may be properly given.

(Formerly: Acts 1852, IRS, c.96, s.4.)

IC 4-5-1-5

Repealed

(Repealed by Acts 1971, P.L.20, SEC.7.)

IC 4-5-1-6

Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-5-1-7

Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-5-1-8

Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-5-1-9

Deputy

Sec. 9. The secretary may appoint a deputy, who may perform the duties of the office of secretary.

(Formerly: Acts 1852, IRS, c.96, s.10.) As amended by Acts 1978, P.L.12, SEC.4.

IC 4-5-1-10

Repealed

(Repealed by P.L.176-1999, SEC.133 and P.L.202-1999, SEC.27.)

IC 4-5-1-11

Secretary of state adoption of rules to enforce motor vehicle dealer laws

Sec. 11. The secretary of state may adopt and enforce rules under IC 4-22-2 that are necessary to carry out:

- (1) IC 9-18-26;

- (2) IC 9-22-4;
- (3) IC 9-23-2;
- (4) IC 9-23-3; and
- (5) IC 9-23-6.

As added by P.L.184-2007, SEC.1. Amended by P.L.106-2008, SEC.2; P.L.197-2011, SEC.2.