

Recording Bonds and Oaths

County Recorders Conference
April 2011

HB 1025 and IC 5-4-1-18

Amounts required in the statute are for term of the office (annual coverage in these amounts is no longer required)

Municipal Elections

- City Judge, City Clerk and other city and town officials and employees
 - Bond amount is \$15,000 for the term
 - Approved by the Mayor of a city OR Town Council of the town.
- Clerk-Treasurer, Controller and Barrett Law Custodians
 - Amount is \$30,000 per \$1,000,000 in receipts *
 - Approved by the Mayor or Town Council for clerk-treasurers
 - Approved by the Mayor for controllers
 - Approved by the City Council for Barrett Law Custodians

Oaths

IC 5-4-1-1.2

- An individual appointed or elected to an office of a political subdivision may take the oath required at any time after the individual's appointment or election.
- An individual appointed or elected to an office of a political subdivision must take the oath and deposit the oath as required by not later than thirty (30) days after the beginning of the term of office.

Oaths

IC 5-4-1-2

- The oath, except in the case of a notary public or in the case of some state officials, shall be endorsed on or attached to the:
 - (1) commission;
 - (2) certificate if a certificate was issued under IC 3-10-7-34, IC 3-12-4, or IC 3-12-5; or
 - (3) certificate of appointment pro tempore under IC 3-13-11-11;
- signed by the person taking the oath, and certified to by the officer before whom the oath was taken, who shall also deliver to the person taking the oath a copy of the oath.
- A copy of the oath of office of a prosecuting attorney shall be:
 - (1) recorded on the bond required by section 20 of this chapter; or
 - (2) attached to the commission of the prosecuting attorney.

Depositing the Oath

IC 5-4-1-4

The copy of the oath shall be deposited by the person as follows:

- (1) Of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.
- (2) Of the circuit court clerk, officers of a political subdivision or school corporation, and constables of a small claims court, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.**
- (3) 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.

Filing Bonds and Oaths

- The officials bonds shall be filed within ten (10) days of their issuance or, if approval is required, within ten (10) days after their approval by the person required to approve the bonds.
- The recorder shall record all of the bonds filed under this section, indexing them alphabetically under the name of the principal and referring to the title, office, and page number where recorded.
- The bonds shall be kept in a safe and convenient place in the recorder's office with a reference to the date filed and record and page where recorded.
- Every county officer who is required to give bond shall have a copy of the oath of office recorded with the bond.

Free Recording or Filing

- Recording an official bond of a public officer, deputy, appointee or employee
- Services under:
 - IC 6-1.1-22-2(c) surveyor's certified plats for tax sale
 - IC 8-23-7 INDOT real property transactions
 - IC 8-23-23 St. & local gov. easements & rights of way
 - IC 10-17-2-3 military discharge
 - IC 10-17-3-2 certified copies of honorable discharges
 - IC 12-14-13 certificate of supp. assist. to the aged
 - IC 12-14-16 certificate of supp.assist.to aged, blind or disabled
