

## SENATE BILL No. 32

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-4-1.

**Synopsis:** Public official bonding. Provides that if an incoming elective officer is not permitted to take office because the incoming officer is unable to give an official bond, the incumbent officer is entitled to hold over as provided in the Constitution of the State of Indiana. Provides that if the incumbent officer refuses to hold over or otherwise vacates the office, the vacancy shall be filled as provided by law. Provides that if the incoming officer is able to give the official bond not later than 30 days after the beginning of the term of office to which the incoming officer was elected, the incoming officer is entitled to take office upon giving the official bond.

**Effective:** July 1, 2014.

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## Tomes

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January 6, 2014, read first time and referred to Committee on Local Government.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# SENATE BILL No. 32

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 5-4-1-9 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2014]: Sec. 9. An officer required to give an
- 3 official bond ~~shall~~ **must** give the bond before the ~~commencement of his~~
- 4 **officer's** term of office **begins**. If the officer fails to give the bond
- 5 before that time, the officer may not take office, **subject to section 9.5**
- 6 **of this chapter, if applicable.**
- 7 SECTION 2. IC 5-4-1-9.5 IS ADDED TO THE INDIANA CODE
- 8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9 1, 2014]: **Sec. 9.5. (a) This section applies only to an elective office.**
- 10 **(b) As used in this section, "incoming officer" refers to an**
- 11 **individual who has been elected to a new term of the office.**
- 12 **(c) As used in this section, "incumbent officer" refers to the**
- 13 **following:**
- 14 **(1) The individual who holds an office immediately before a**
- 15 **new term of that office begins.**
- 16 **(2) An individual appointed to fill a vacancy in the office**



1           vacated by the individual described in subdivision (1).  
2           **(d) If section 9 of this chapter prevents an incoming officer from**  
3           **taking office, the incumbent officer is entitled, subject to subsection**  
4           **(e), to hold over in the office as provided in Article 15, Section 3 of**  
5           **the Constitution of the State of Indiana. If the incumbent officer**  
6           **refuses to hold over or otherwise vacates the office, the vacancy**  
7           **shall be filled as required by IC 3-13.**  
8           **(e) An incoming officer who is unable to give an official bond as**  
9           **required in section 9 of this chapter is entitled to take the office**  
10          **upon giving the official bond if the incoming officer gives the**  
11          **official bond not later than thirty (30) days after the beginning of**  
12          **the term of office to which the incoming officer was elected.**

