



February 21, 2014

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## ENGROSSED SENATE BILL No. 32

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DIGEST OF SB 32 (Updated February 19, 2014 6:25 pm - DI 75)

**Citations Affected:** IC 3-8; IC 3-13; IC 5-4.

**Synopsis:** Public official bonding. Provides that beginning January 1, 2015, a declaration of candidacy for a primary election, a declaration of intent to be a write-in candidate, a declaration of candidacy for a town party convention, a candidate's consent to nomination by petition, the certificate of nomination for a candidate nominated by state political party convention, and a declaration of candidacy to fill a post-primary vacancy require the candidate to acknowledge that the candidate may be required to be bonded if the candidate is elected to office. Requires these forms to include similar language regarding the filing of statements of economic interest, mandatory training, and certification, when applicable. Changes the cycle in current law that requires the state examiner of the state board of accounts to report to the general assembly whether changes in bonding requirements are necessary to ensure adequate and economical coverage. Changes the cycle so that the report must be given in each year after a presidential election is held. (Under current law, the report must be given in nonpresidential election years.) Provides that, notwithstanding the change in the cycle, the state examiner must give a report in 2014.

**Effective:** July 1, 2014; January 1, 2015.

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### Tomes, Buck

(HOUSE SPONSORS — MCNAMARA, RICHARDSON)

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January 7, 2014, read first time and referred to Committee on Local Government.  
January 9, 2014, reported favorably — Do Pass.  
January 13, 2014, read second time, ordered engrossed. Engrossed.  
January 14, 2014, read third time, passed. Yeas 39, nays 10.

HOUSE ACTION

February 4, 2014, read first time and referred to Committee on Elections and Apportionment.  
February 20, 2014, amended, reported — Do Pass.

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ES 32—LS 6050/DI 75





February 21, 2014

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.

## ENGROSSED SENATE BILL No. 32

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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 3-8-2-2.5, AS AMENDED BY P.L.217-2013,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2015]: Sec. 2.5. (a) A person who desires to be a write-in  
4 candidate for a federal, state, legislative, or local office or school board  
5 office in a general, municipal, or school board election must file a  
6 declaration of intent to be a write-in candidate with the officer with  
7 whom declaration of candidacy must be filed under sections 5 and 6 of  
8 this chapter.  
9 (b) The declaration of intent to be a write-in candidate required  
10 under subsection (a) must be signed before a person authorized to  
11 administer oaths and must certify the following information:  
12 (1) The candidate's name must be printed or typewritten as:  
13 (A) the candidate wants the candidate's name to be certified;  
14 and  
15 (B) the candidate's name is permitted to appear under IC 3-5-7.  
16 (2) A statement that the candidate is a registered voter and the

ES 32—LS 6050/DI 75



- 1 location of the candidate's precinct and township (or ward and  
 2 city or town), county, and state.
- 3 (3) The candidate's complete residence address, and if the  
 4 candidate's mailing address is different from the residence  
 5 address, the mailing address.
- 6 (4) The candidate's party affiliation or a statement that the  
 7 candidate is an independent candidate (not affiliated with any  
 8 party). The candidate may not claim affiliation with any political  
 9 party described by IC 3-8-4-1.
- 10 (5) A statement of the candidate's intention to be a write-in  
 11 candidate, the name of the office, including the district, and the  
 12 date and type of election.
- 13 (6) If the candidate is a candidate for the office of President or  
 14 Vice President of the United States, a statement declaring the  
 15 names of the individuals who have consented and are eligible to  
 16 be the candidate's candidates for presidential electors.
- 17 **(7) The following statements:**
- 18 **(A) A statement that the candidate has attached either of the**  
 19 **following to the declaration:**
- 20 **(i) A copy of a statement of economic interests, file**  
 21 **stamped by the office required to receive the statement**  
 22 **of economic interests.**
- 23 **(ii) A receipt or photocopy of a receipt showing that a**  
 24 **statement of economic interests has been filed.**
- 25 **This requirement does not apply to a candidate for a**  
 26 **federal office.**
- 27 **(B) A statement that the candidate understands that if the**  
 28 **candidate is elected to the office, the candidate may be**  
 29 **required to obtain and file an individual surety bond**  
 30 **before serving in the office. This requirement does not**  
 31 **apply to a candidate for a federal office or legislative**  
 32 **office.**
- 33 **(C) A statement that the candidate understands that if the**  
 34 **candidate is elected to the office, the candidate may be**  
 35 **required to successfully complete training or have attained**  
 36 **certification related to service in an elected office. This**  
 37 **requirement does not apply to a candidate for a federal**  
 38 **office, state office, or legislative office.**
- 39 **(A) (D) A statement that the candidate:**
- 40 **(i) is aware of the provisions of IC 3-9 regarding campaign**  
 41 **finance and the reporting of campaign contributions and**  
 42 **expenditures; and**



- 1            ~~(B)~~ (ii) agrees to comply with the provisions of IC 3-9.  
 2            **This requirement does not apply to a candidate for a**  
 3            **federal office.**  
 4            The candidate must separately ~~sign~~ **initial each of the statement**  
 5            **statements** required by this subdivision.  
 6            (8) A statement as to whether the candidate has:  
 7                (A) been a candidate for state or local office in a previous  
 8                primary or general election; and  
 9                (B) filed all reports required by IC 3-9-5-10 for all previous  
 10              candidacies.  
 11            (9) If the candidate is subject to IC 3-9-1-5, a statement that the  
 12            candidate has filed a campaign finance statement of organization  
 13            for the candidate's principal committee or is aware that the  
 14            candidate may be required to file a campaign finance statement of  
 15            organization not later than noon seven (7) days after the final date  
 16            to file the declaration of intent to be a write-in candidate under  
 17            section 4 of this chapter.  
 18            (10) If the candidate is subject to IC 3-9-1-5.5, a statement that  
 19            the candidate is required to file a campaign finance statement of  
 20            organization under IC 3-9 after the first of either of the following  
 21            occurs:  
 22                (A) The candidate receives more than five hundred dollars  
 23                (\$500) in contributions.  
 24                (B) The candidate makes more than five hundred dollars  
 25                (\$500) in expenditures.  
 26            (11) A statement that the candidate complies with all  
 27            requirements under the laws of Indiana to be a candidate for the  
 28            above named office, including any applicable residency  
 29            requirements, and that the candidate is not ineligible to be a  
 30            candidate due to a criminal conviction that would prohibit the  
 31            candidate from serving in the office.  
 32            (12) The candidate's signature and telephone number.  
 33            (c) At the time of filing the declaration of intent to be a write-in  
 34            candidate, the write-in candidate is considered a candidate for all  
 35            purposes.  
 36            (d) A write-in candidate must comply with the requirements under  
 37            IC 3-8-1 that apply to the office to which the write-in candidate seeks  
 38            election.  
 39            (e) A person may not be a write-in candidate in a contest for  
 40            nomination or for election to a political party office.  
 41            (f) A write-in candidate for the office of President or Vice President  
 42            of the United States must list at least one (1) candidate for presidential



1 elector and may not list more than the total number of presidential  
2 electors to be chosen in Indiana.

3 (g) The commission shall provide that the form of a declaration of  
4 intent to be a write-in candidate includes the following information:  
5 ~~near the separate signature required by subsection (b)(7):~~

6 (1) The dates for filing campaign finance reports under IC 3-9.

7 (2) The penalties for late filing of campaign finance reports under  
8 IC 3-9.

9 (h) A declaration of intent to be a write-in candidate must include  
10 a statement that the candidate requests the name on the candidate's  
11 voter registration record be the same as the name the candidate uses on  
12 the declaration of intent to be a write-in candidate. If there is a  
13 difference between the name on the candidate's declaration of intent to  
14 be a write-in candidate and the name on the candidate's voter  
15 registration record, the officer with whom the declaration of intent to  
16 be a write-in candidate is filed shall forward the information to the  
17 voter registration officer of the appropriate county as required by  
18 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
19 shall change the name on the candidate's voter registration record to be  
20 the same as the name on the candidate's declaration of intent to be a  
21 write-in candidate.

22 SECTION 2. IC 3-8-2-7, AS AMENDED BY P.L.194-2013,  
23 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JANUARY 1, 2015]: Sec. 7. (a) The declaration of each candidate  
25 required by this chapter must be signed before a person authorized to  
26 administer oaths and contain the following information:

27 (1) The candidate's name, printed or typewritten as:

28 (A) the candidate wants the candidate's name to appear on the  
29 ballot; and

30 (B) the candidate's name is permitted to appear on the ballot  
31 under IC 3-5-7.

32 (2) A statement that the candidate is a registered voter and the  
33 location of the candidate's precinct and township (or ward and  
34 city or town), county, and state.

35 (3) The candidate's complete residence address, and if the  
36 candidate's mailing address is different from the residence  
37 address, the mailing address.

38 (4) A statement of the candidate's party affiliation. For purposes  
39 of this subdivision, a candidate is considered to be affiliated with  
40 a political party only if any of the following applies:

41 (A) The most recent primary election in Indiana in which the  
42 candidate voted was a primary election held by the party with



1 which the candidate claims affiliation.

2 (B) The county chairman of:

3 (i) the political party with which the candidate claims  
4 affiliation; and

5 (ii) the county in which the candidate resides;

6 certifies that the candidate is a member of the political party.

7 The declaration of candidacy must inform candidates how party  
8 affiliation is determined under this subdivision and permit the  
9 candidate to indicate on the declaration of candidacy which of  
10 clauses (A) or (B) applies to the candidate. If a candidate claims  
11 party affiliation under clause (B), the candidate must attach to the  
12 candidate's declaration of candidacy the written certification of  
13 the county chairman required by clause (B).

14 (5) A statement that the candidate complies with all requirements  
15 under the laws of Indiana to be a candidate for the above named  
16 office, including any applicable residency requirements, and that  
17 the candidate is not ineligible to be a candidate due to a criminal  
18 conviction that would prohibit the candidate from serving in the  
19 office.

20 (6) A request that the candidate's name be placed on the official  
21 primary ballot of that party to be voted on, the office for which the  
22 candidate is declaring, and the date of the primary election.

23 (7) ~~This subdivision does not apply to a candidate for federal  
24 office. The following statements:~~

25 (A) A statement that the candidate **has attached either of the  
26 following to the declaration:**

27 (i) **A copy of a statement of economic interests, file  
28 stamped by the office required to receive the statement  
29 of economic interests.**

30 (ii) **A receipt or photocopy of a receipt showing that a  
31 statement of economic interests has been filed.**

32 **This requirement does not apply to a candidate for a  
33 federal office.**

34 (B) **A statement that the candidate understands that if the  
35 candidate is elected to the office, the candidate may be  
36 required to obtain and file an individual surety bond  
37 before serving in the office. This requirement does not  
38 apply to a candidate for a federal office or legislative  
39 office.**

40 (C) **A statement that the candidate understands that if the  
41 candidate is elected to the office, the candidate may be  
42 required to successfully complete training or have attained**



1           **certification related to service in an elected office. This**  
 2           **requirement does not apply to a candidate for a federal**  
 3           **office, state office, or legislative office.**

4           ~~(A)~~ **(D) A statement that the candidate:**

5               (i) is aware of the provisions of IC 3-9 regarding campaign  
 6               finance and the reporting of campaign contributions and  
 7               expenditures; and

8               ~~(B)~~ (ii) agrees to comply with the provisions of IC 3-9.

9           **This requirement does not apply to a candidate for a**  
 10           **federal office.**

11           The candidate must separately ~~sign~~ **initial each of the statement**  
 12           **statements** required by this subdivision.

13           (8) A statement as to whether the candidate has been a candidate  
 14           for state, legislative, or local office in a previous primary,  
 15           municipal, special, or general election and whether the candidate  
 16           has filed all reports required by IC 3-9-5-10 for all previous  
 17           candidacies.

18           (9) If the candidate is subject to IC 3-9-1-5, a statement that the  
 19           candidate has filed a campaign finance statement of organization  
 20           for the candidate's principal committee or is aware that the  
 21           candidate may be required to file a campaign finance statement of  
 22           organization not later than noon seven (7) days after the final date  
 23           to file the declaration of candidacy under section 11 of this  
 24           chapter.

25           (10) The candidate's signature.

26           (b) The commission shall provide that the form of a declaration of  
 27           candidacy includes the following information: ~~near the separate~~  
 28           ~~signature required by subsection (a)(7):~~

29               (1) The dates for filing campaign finance reports under IC 3-9.

30               (2) The penalties for late filing of campaign finance reports under  
 31               IC 3-9.

32           (c) A declaration of candidacy must include a statement that the  
 33           candidate requests the name on the candidate's voter registration record  
 34           be the same as the name the candidate uses on the declaration of  
 35           candidacy. If there is a difference between the name on the candidate's  
 36           declaration of candidacy and the name on the candidate's voter  
 37           registration record, the officer with whom the declaration of candidacy  
 38           is filed shall forward the information to the voter registration officer of  
 39           the appropriate county as required by IC 3-5-7-6(e). The voter  
 40           registration officer of the appropriate county shall change the name on  
 41           the candidate's voter registration record to be the same as the name on  
 42           the candidate's declaration of candidacy.





1 SECTION 3. IC 3-8-5-10.5, AS AMENDED BY P.L.225-2011,  
 2 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JANUARY 1, 2015]: Sec. 10.5. (a) A person who desires to be  
 4 nominated for a town office by a major political party must file a  
 5 declaration of candidacy with the circuit court clerk of the county  
 6 containing the greatest percentage of population of the town.

7 (b) A declaration of candidacy must be filed:

8 (1) not earlier than the first date that a declaration of candidacy  
 9 for a primary election may be filed under IC 3-8-2-4; and

10 (2) not later than:

11 (A) noon August 1 before a municipal election if the town  
 12 nominates its candidates by convention; and

13 (B) the date that a declaration of candidacy must be filed under  
 14 IC 3-8-2-4 if the town nominates its candidates by a primary  
 15 election.

16 (c) The declaration must be subscribed and sworn to (or affirmed)  
 17 before a notary public or other person authorized to administer oaths.

18 (d) The declaration of each candidate required by this section must  
 19 certify the following information:

20 (1) The candidate's name, printed or typewritten as:

21 (A) the candidate wants the candidate's name to appear on the  
 22 ballot; and

23 (B) the candidate's name is permitted to appear on the ballot  
 24 under IC 3-5-7.

25 (2) That the candidate is a registered voter and the location of the  
 26 candidate's precinct and township (or the ward and town), county,  
 27 and state.

28 (3) The candidate's complete residence address and the  
 29 candidate's mailing address if the mailing address is different  
 30 from the residence address.

31 (4) The candidate's party affiliation and the office to which the  
 32 candidate seeks nomination, including the district designation if  
 33 the candidate is seeking a town legislative body seat.

34 (5) That the candidate complies with all requirements under the  
 35 laws of Indiana to be a candidate for the above named office,  
 36 including any applicable residency requirements, and is not  
 37 ineligible to be a candidate due to a criminal conviction that  
 38 would prohibit the candidate from serving in the office.

39 **(6) That the candidate has attached either of the following to**  
 40 **the declaration:**

41 **(A) A copy of a statement of economic interests, file**  
 42 **stamped by the office required to receive the statement of**



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**economic interests.**

**(B) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.**

**(7) That the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office.**

**(8) That the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office.**

**(9) That the candidate:**

**(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and**

**(B) agrees to comply with the provisions of IC 3-9.**

~~(6)~~ **(10) The candidate's signature.**

(e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:



1 (1) noon August 1 before the municipal election if the town  
 2 nominates its candidates by convention; and

3 (2) the date that a declaration of candidacy may be withdrawn  
 4 under IC 3-8-2-20 if the town nominates its candidates in a  
 5 primary election.

6 (i) A declaration of candidacy must include a statement that the  
 7 candidate requests the name on the candidate's voter registration record  
 8 be the same as the name the candidate uses on the declaration of  
 9 candidacy. If there is a difference between the name on the candidate's  
 10 declaration of candidacy and the name on the candidate's voter  
 11 registration record, the officer with whom the declaration of candidacy  
 12 is filed shall forward the information to the voter registration officer of  
 13 the appropriate county as required by IC 3-5-7-6(e). The voter  
 14 registration officer of the appropriate county shall change the name on  
 15 the candidate's voter registration record to be the same as the name on  
 16 the candidate's declaration of candidacy.

17 SECTION 4. IC 3-8-6-12, AS AMENDED BY P.L.225-2011,  
 18 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JANUARY 1, 2015]: Sec. 12. (a) A petition of nomination for an office  
 20 filed under section 10 of this chapter must be filed with and, except as  
 21 provided in subsection (d), certified by the person with whom a  
 22 declaration of candidacy must be filed under IC 3-8-2.

23 (b) The petition of nomination must be accompanied by the  
 24 following:

25 (1) The candidate's written consent to become a candidate.

26 (2) **The following statements:**

27 (A) A statement that the candidate **has attached either of the**  
 28 **following to the petition:**

29 (i) **A copy of a statement of economic interests, file**  
 30 **stamped by the office required to receive the statement**  
 31 **of economic interests.**

32 (ii) **A receipt or photocopy of a receipt showing that a**  
 33 **statement of economic interests has been filed.**

34 **This requirement does not apply to a candidate for a**  
 35 **federal office.**

36 (B) **A statement that the candidate understands that if the**  
 37 **candidate is elected to the office, the candidate may be**  
 38 **required to obtain and file an individual surety bond**  
 39 **before serving in the office. This requirement does not**  
 40 **apply to a candidate for a federal office or legislative**  
 41 **office.**

42 (C) **A statement that the candidate understands that if the**



1           **candidate is elected to the office, the candidate may be**  
 2           **required to successfully complete training or have attained**  
 3           **certification related to service in an elected office. This**  
 4           **requirement does not apply to a candidate for a federal**  
 5           **office, state office, or legislative office.**

6           ~~(A)~~ **(D) A statement that the candidate:**

7               **(i)** is aware of the provisions of IC 3-9 regarding campaign  
 8               finance and the reporting of campaign contributions and  
 9               expenditures; and

10           ~~(B)~~ **(ii)** agrees to comply with the provisions of IC 3-9.

11           **This requirement does not apply to a candidate for a**  
 12           **federal office.**

13           The candidate must separately ~~sign~~ **initial each of the statement**  
 14           **statements** required by this subdivision.

15           (3) If the candidate is subject to IC 3-9-1-5, a statement by the  
 16           candidate that the candidate has filed a campaign finance  
 17           statement of organization under IC 3-9-1-5 or is aware that the  
 18           candidate may be required to file a campaign finance statement of  
 19           organization not later than noon seven (7) days after the final date  
 20           for filing a petition for nomination under section 10 of this  
 21           chapter.

22           (4) If the candidate is subject to IC 3-9-1-5.5, a statement by the  
 23           candidate that the candidate is aware of the requirement to file a  
 24           campaign finance statement of organization under IC 3-9 after the  
 25           first of either of the following occurs:

26               (A) The candidate receives more than five hundred dollars  
 27               (\$500) in contributions.

28               (B) The candidate makes more than five hundred dollars  
 29               (\$500) in expenditures.

30           (5) A statement indicating whether or not each candidate:

31               (A) has been a candidate for state or local office in a previous  
 32               primary or general election; and

33               (B) has filed all reports required by IC 3-9-5-10 for all  
 34               previous candidacies.

35           (6) A statement that each candidate is legally qualified to hold the  
 36           office that the candidate seeks, including any applicable residency  
 37           requirements and restrictions on service due to a criminal  
 38           conviction.

39           (7) If the petition is filed with the secretary of state for an office  
 40           not elected by the electorate of the whole state, a statement signed  
 41           by the circuit court clerk of each county in the election district of  
 42           the office sought by the individual.



- 1 (8) Any statement of economic interests required under  
 2 IC 3-8-1-33.
- 3 (c) The statement required under subsection (b)(7) must:  
 4 (1) be certified by each circuit court clerk; and  
 5 (2) indicate the number of votes cast for secretary of state:  
 6 (A) at the last election for secretary of state; and  
 7 (B) in the part of the county included in the election district of  
 8 the office sought by the individual filing the petition.
- 9 (d) The person with whom the petition of nomination must be filed  
 10 under subsection (a) shall:  
 11 (1) determine whether a sufficient number of signatures as  
 12 required by section 3 of this chapter have been obtained; and  
 13 (2) do one (1) of the following:  
 14 (A) If the petition includes a sufficient number of signatures,  
 15 certify the petition.  
 16 (B) If the petition has an insufficient number of signatures,  
 17 deny the certification.
- 18 (e) The secretary of state shall, by noon on the date specified under  
 19 IC 3-8-7-16 for the certification of candidates and public questions by  
 20 the election division:  
 21 (1) certify; or  
 22 (2) deny certification under subsection (d) to;  
 23 each petition of nomination filed in the secretary of state's office to the  
 24 appropriate county.
- 25 (f) The commission shall provide that the form of a petition of  
 26 nomination includes the following information: ~~near the separate~~  
 27 ~~signature required by subsection (b)(2):~~  
 28 (1) The dates for filing campaign finance reports under IC 3-9.  
 29 (2) The penalties for late filing of campaign finance reports under  
 30 IC 3-9.
- 31 (g) A candidate's consent to become a candidate must include a  
 32 statement that the candidate requests the name on the candidate's voter  
 33 registration record be the same as the name the candidate uses on the  
 34 consent to become a candidate. If there is a difference between the  
 35 name on the candidate's consent to become a candidate and the name  
 36 on the candidate's voter registration record, the officer with whom the  
 37 consent to become a candidate is filed shall forward the information to  
 38 the voter registration officer of the appropriate county as required by  
 39 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
 40 shall change the name on the candidate's voter registration record to be  
 41 the same as the name on the candidate's consent to become a candidate.
- 42 (h) If the person with whom the petition was filed denies



- 1 certification under subsection (d), the person shall notify the candidate  
 2 immediately by certified mail.
- 3 (i) A candidate may contest the denial of certification under  
 4 subsection (d) based on:
- 5 (1) the circuit court clerk's or board of registration's failure to  
 6 certify, under section 8 of this chapter, qualified petitioners; or  
 7 (2) the determination described in subsection (d)(1);  
 8 using the procedure in IC 3-8-1-2 and section 14 of this chapter that  
 9 applies to questions concerning the validity of a petition of nomination.
- 10 SECTION 5. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) Either the chairman and  
 12 secretary of a state convention or the state chairman and state secretary  
 13 of the political party holding the state convention shall certify each  
 14 candidate nominated at the convention to the secretary of state not later  
 15 than noon July 15 before the general election.
- 16 (b) The certificate must state the following:
- 17 (1) Whether each candidate nominated by the convention has  
 18 complied with IC 3-9-1-5 by filing a campaign finance statement  
 19 of organization.
- 20 (2) **The following statements:**
- 21 (A) **A statement that the candidate has attached either of the**  
 22 **following to the certificate:**
- 23 (i) **A copy of a statement of economic interests, file**  
 24 **stamped by the office required to receive the statement**  
 25 **of economic interests.**
- 26 (ii) **A receipt or photocopy of a receipt showing that a**  
 27 **statement of economic interests has been filed.**
- 28 **This requirement does not apply to a candidate for a**  
 29 **federal office.**
- 30 (B) **A statement that the candidate understands that if the**  
 31 **candidate is elected to the office, the candidate may be**  
 32 **required to obtain and file an individual surety bond**  
 33 **before serving in the office. This requirement does not**  
 34 **apply to a candidate for a federal office or legislative**  
 35 **office.**
- 36 (C) **A statement that the candidate understands that if the**  
 37 **candidate is elected to the office, the candidate may be**  
 38 **required to successfully complete training or have attained**  
 39 **certification related to service in an elected office. This**  
 40 **requirement does not apply to a candidate for a federal**  
 41 **office, state office, or legislative office.**
- 42 ~~(A)~~ (D) **A statement that the candidate:**



1 (i) is aware of the provisions of IC 3-9 regarding campaign  
 2 finance and the reporting of campaign contributions and  
 3 expenditures; and

4 ~~(B)~~ (ii) agrees to comply with the provisions of IC 3-9.

5 **This requirement does not apply to a candidate for a**  
 6 **federal office.**

7 The candidate must separately ~~sign~~ **initial each of the statement**  
 8 **statements** required by this subdivision.

9 (c) The commission shall prescribe the form of the certificate of  
 10 nomination for the offices. The commission shall provide that the form  
 11 of the certificate of nomination include the following information: ~~near~~  
 12 ~~the separate signature required by subsection (b)(2):~~

13 (1) The dates for filing campaign finance reports under IC 3-9.

14 (2) The penalties for late filing of campaign finance reports under  
 15 IC 3-9.

16 (d) A certificate of nomination must include a statement that the  
 17 candidate requests the name on the candidate's voter registration record  
 18 be the same as the name the candidate uses on the certificate of  
 19 nomination. If there is a difference between the name on the candidate's  
 20 certificate of nomination and the name on the candidate's voter  
 21 registration record, the officer with whom the certificate of nomination  
 22 is filed shall forward the information to the voter registration officer of  
 23 the appropriate county as required by IC 3-5-7-6(e). The voter  
 24 registration officer of the appropriate county shall change the name on  
 25 the candidate's voter registration record to be the same as the name on  
 26 the candidate's certificate of nomination.

27 SECTION 6. IC 3-13-1-10.5, AS AMENDED BY P.L.225-2011,  
 28 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JANUARY 1, 2015]: Sec. 10.5. (a) A person who wishes to be a  
 30 candidate for appointment to fill a candidate vacancy under this chapter  
 31 must file a declaration of candidacy on a form prescribed by the  
 32 commission with:

33 (1) the chairman of the caucus or committee conducting a meeting  
 34 under this chapter; and

35 (2) the official who is required to receive a certificate of candidate  
 36 selection following the caucus under section 15 of this chapter;  
 37 at least seventy-two (72) hours before the time fixed for the caucus or  
 38 committee meeting.

39 (b) A candidate's declaration of candidacy must include a statement  
 40 that the candidate requests the name on the candidate's voter  
 41 registration record be the same as the name the candidate uses on the  
 42 declaration of candidacy. If there is a difference between the name on



1 the candidate's declaration of candidacy and the name on the  
 2 candidate's voter registration record, the officer with whom the  
 3 declaration of candidacy is filed shall forward the information to the  
 4 voter registration officer of the appropriate county as required by  
 5 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
 6 shall change the name on the candidate's voter registration record to be  
 7 the same as the name on the candidate's declaration of candidacy.

8 **(c) A candidate's declaration of candidacy must contain the**  
 9 **following statements:**

10 **(1) A statement that the candidate has attached either of the**  
 11 **following to the declaration:**

12 **(A) A copy of a statement of economic interests, file**  
 13 **stamped by the office required to receive the statement of**  
 14 **economic interests.**

15 **(B) A receipt or photocopy of a receipt showing that a**  
 16 **statement of economic interests has been filed.**

17 **This requirement does not apply to a candidate for a federal**  
 18 **office.**

19 **(2) A statement that the candidate understands that if the**  
 20 **candidate is elected to the office, the candidate may be**  
 21 **required to obtain and file an individual surety bond before**  
 22 **servicing in the office. This requirement does not apply to a**  
 23 **candidate for a federal office or legislative office.**

24 **(3) A statement that the candidate understands that if the**  
 25 **candidate is elected to the office, the candidate may be**  
 26 **required to successfully complete training or have attained**  
 27 **certification related to service in an elected office. This**  
 28 **requirement does not apply to a candidate for a federal office,**  
 29 **state office, or legislative office.**

30 **(4) A statement that the candidate:**

31 **(A) is aware of the provisions of IC 3-9 regarding**  
 32 **campaign finance and the reporting of campaign**  
 33 **contributions and expenditures; and**

34 **(B) agrees to comply with the provisions of IC 3-9.**

35 **This requirement does not apply to a candidate for a federal**  
 36 **office.**

37 **The candidate must separately initial each of the statements**  
 38 **required by this subsection.**

39 SECTION 7. IC 3-13-2-7 IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) The selection of a  
 41 person as a candidate under this chapter is not effective unless:

42 (1) the person's written consent is obtained and filed:





- 1 (A) in the office in which certificates and petitions of  
 2 nomination must be filed; and  
 3 (B) when the certificate is filed; and  
 4 (2) the candidate has complied with any requirement under  
 5 IC 3-8-1-33 to file a statement of economic interests.  
 6 (b) A candidate's consent must include a statement that the  
 7 candidate requests the name on the candidate's voter registration record  
 8 be the same as the name the candidate uses on the consent. If there is  
 9 a difference between the name on the candidate's consent and the name  
 10 on the candidate's voter registration record, the officer with whom the  
 11 consent is filed shall forward the information to the voter registration  
 12 officer of the appropriate county as required by IC 3-5-7-6(e). The  
 13 voter registration officer of the appropriate county shall change the  
 14 name on the candidate's voter registration record to be the same as the  
 15 name on the candidate's consent.  
 16 **(c) A candidate's consent must contain the following statements:**  
 17 **(1) A statement that the candidate has attached either of the**  
 18 **following to the consent:**  
 19 **(A) A copy of a statement of economic interests, file**  
 20 **stamped by the office required to receive the statement of**  
 21 **economic interests.**  
 22 **(B) A receipt or photocopy of a receipt showing that a**  
 23 **statement of economic interests has been filed.**  
 24 **This requirement does not apply to a candidate for a federal**  
 25 **office.**  
 26 **(2) A statement that the candidate understands that if the**  
 27 **candidate is elected to the office, the candidate may be**  
 28 **required to obtain and file an individual surety bond before**  
 29 **servicing in the office. This requirement does not apply to a**  
 30 **candidate for a federal office or legislative office.**  
 31 **(3) A statement that the candidate understands that if the**  
 32 **candidate is elected to the office, the candidate may be**  
 33 **required to successfully complete training or have attained**  
 34 **certification related to service in an elected office. This**  
 35 **requirement does not apply to a candidate for a federal office,**  
 36 **state office, or legislative office.**  
 37 **(4) A statement that the candidate:**  
 38 **(A) is aware of the provisions of IC 3-9 regarding**  
 39 **campaign finance and the reporting of campaign**  
 40 **contributions and expenditures; and**  
 41 **(B) agrees to comply with the provisions of IC 3-9.**  
 42 **This requirement does not apply to a candidate for a federal**



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**office.**  
**The candidate must separately initial each of the statements required by this subsection.**

SECTION 8. IC 5-4-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. An officer required to give an official bond ~~shall~~ **must** give the bond before the ~~commencement of his~~ **officer's** term of office **begins**. If the officer fails to give the bond before that time, the officer may not take office.

SECTION 9. IC 5-4-1-18, AS AMENDED BY P.L.117-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) Except as provided in subsection (b), the following city, town, county, or township officers and employees shall file an individual surety bond:

- (1) City judges, controllers, clerks, and clerk-treasurers.
- (2) Town judges and clerk-treasurers.
- (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.
- (4) Township trustees.
- (5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.
- (6) Township assessors (if any).

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit, including those officers described in subsection (a).

(c) Except as provided in subsections (h) and (i), the fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

- (1) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).
- (2) The amount may not be less than thirty thousand dollars (\$30,000) nor more than three hundred thousand dollars (\$300,000) unless the fiscal body approves a greater amount for the officer or employee.

County auditors shall file bonds in amounts of not less than thirty thousand dollars (\$30,000), as fixed by the fiscal body of the county.



1 The amount of the bond of any other person required to file an  
 2 individual bond shall be fixed by the fiscal body of the unit at not less  
 3 than fifteen thousand dollars (\$15,000).

4 (d) Except as provided in subsection (j), a controller of a solid waste  
 5 management district established under IC 13-21 or IC 13-9.5 (before  
 6 its repeal) shall file an individual surety bond in an amount:

7 (1) fixed by the board of directors of the solid waste management  
 8 district; and

9 (2) that is at least thirty thousand dollars (\$30,000).

10 (e) Except as provided under subsection (d), a person who is  
 11 required to file an individual surety bond by the board of directors of  
 12 a solid waste management district established under IC 13-21 or  
 13 IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the  
 14 board of directors.

15 (f) ~~In 1982 and~~ Every four (4) years after that, **year following the**  
 16 **year in which presidential electors are selected under IC 3-10-2-3,**  
 17 the state examiner shall review the bond amounts fixed under this  
 18 section and report in an electronic format under IC 5-14-6 to the  
 19 general assembly whether changes are necessary to ensure adequate  
 20 and economical coverage. **The state examiner shall make the report**  
 21 **required by this subsection not later than December 31 of the year**  
 22 **following the year in which presidential electors are selected under**  
 23 **IC 3-10-2-3.**

24 (g) The commissioner of insurance shall prescribe the form of the  
 25 bonds or crime policies required by this section, in consultation with  
 26 the commission on public records under IC 5-15-5.1-6.

27 (h) Notwithstanding subsection (c), the state board of accounts may  
 28 fix the amount of the bond for a city controller, city clerk-treasurer,  
 29 town clerk-treasurer, Barrett Law fund custodian, county treasurer,  
 30 county sheriff, circuit court clerk, township trustee, or conservancy  
 31 district financial clerk at an amount that exceeds thirty thousand dollars  
 32 (\$30,000) for each one million dollars (\$1,000,000) of receipts of the  
 33 officer's office during the last complete fiscal year before the purchase  
 34 of the bond. However, the bond amount may not exceed three hundred  
 35 thousand dollars (\$300,000). An increased bond amount may be  
 36 established under this subsection only if the state examiner issues a  
 37 report under IC 5-11-5-1 that includes a finding that the officer  
 38 engaged in malfeasance, misfeasance, or nonfeasance that resulted in  
 39 the misappropriation of, diversion of, or inability to account for public  
 40 funds.

41 (i) Notwithstanding subsection (c), the state board of accounts may  
 42 fix the amount of the bond for any person who is not described in



1 subsection (h) and is required to file an individual bond at an amount  
 2 that exceeds fifteen thousand dollars (\$15,000). An increased bond  
 3 amount may be established under this subsection only if the state  
 4 examiner issues a report under IC 5-11-5-1 that includes a finding that  
 5 the person engaged in malfeasance, misfeasance, or nonfeasance that  
 6 resulted in the misappropriation of, diversion of, or inability to account  
 7 for public funds.

8 (j) Notwithstanding subsection (d), the state board of accounts may  
 9 fix the amount of the bond for a controller of a solid waste management  
 10 district established under IC 13-21 or IC 13-9.5 (before its repeal) at an  
 11 amount that exceeds thirty thousand dollars (\$30,000). An increased  
 12 bond amount may be established under this subsection only if the state  
 13 examiner issues a report under IC 5-11-5-1 that includes a finding that  
 14 the controller engaged in malfeasance, misfeasance, or nonfeasance  
 15 that resulted in the misappropriation of, diversion of, or inability to  
 16 account for public funds.

17 (k) Both of the following apply to a bond or crime insurance policy  
 18 that is filed to comply with this section:

19 (1) Unless the bond or policy is canceled, the bond or policy must  
 20 continue in force for the term of office of the individual who files  
 21 the bond or policy.

22 (2) The aggregate liability of the surety or insurer is the amount  
 23 specified in the bond or policy.

24 SECTION 10. IC 5-4-1-18.2 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 26 1, 2014]: **Sec. 18.2. (a) Notwithstanding the amendments made to**  
 27 **section 18(f) of this chapter by the second regular session of the**  
 28 **118th general assembly, the state examiner shall, before December**  
 29 **31, 2014, review the bond amounts fixed under section 18 of this**  
 30 **chapter and report in an electronic format under IC 5-14-6 to the**  
 31 **general assembly whether changes are necessary to ensure**  
 32 **adequate and economical coverage.**

33 (b) This section expires January 1, 2017.



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 32, 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 to SB 32 as introduced.)

Committee Vote: Yeas 8, Nays 2

Senator Head, Chairperson

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 32, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-8-2-2.5, AS AMENDED BY P.L.217-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

- (1) The candidate's name must be printed or typewritten as:
  - (A) the candidate wants the candidate's name to be certified; and
  - (B) the candidate's name is permitted to appear under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.
- (4) The candidate's party affiliation or a statement that the

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candidate is an independent candidate (not affiliated with any party). The candidate may not claim affiliation with any political party described by IC 3-8-4-1.

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors.

(7) **The following statements:**

**(A) A statement that the candidate has attached either of the following to the declaration:**

**(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.**

**(ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.**

**This requirement does not apply to a candidate for a federal office.**

**(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.**

**(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.**

~~(A)~~ **(D) A statement that the candidate:**

**(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and**

~~(B)~~ **(ii) agrees to comply with the provisions of IC 3-9.**

**This requirement does not apply to a candidate for a federal office.**

The candidate must separately ~~sign~~ **initial each of the statement statements** required by this subdivision.

(8) A statement as to whether the candidate has:



(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

(e) A person may not be a write-in candidate in a contest for nomination or for election to a political party office.

(f) A write-in candidate for the office of President or Vice President of the United States must list at least one (1) candidate for presidential elector and may not list more than the total number of presidential electors to be chosen in Indiana.

(g) The commission shall provide that the form of a declaration of intent to be a write-in candidate includes the following information: ~~near the separate signature required by subsection (b)(7):~~

(1) The dates for filing campaign finance reports under IC 3-9.



(2) The penalties for late filing of campaign finance reports under IC 3-9.

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of intent to be a write-in candidate.

SECTION 2. IC 3-8-2-7, AS AMENDED BY P.L.194-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

(1) The candidate's name, printed or typewritten 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) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

(A) The most recent primary election in Indiana in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

(B) The county chairman of:

(i) the political party with which the candidate claims affiliation; and

(ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party.





The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A) or (B) applies to the candidate. If a candidate claims party affiliation under clause (B), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (B).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

~~(7) This subdivision does not apply to a candidate for federal office.~~ **The following statements:**

**(A) A statement that the candidate has attached either of the following to the declaration:**

**(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.**

**(ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.**

**This requirement does not apply to a candidate for a federal office.**

**(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.**

**(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.**

~~(A)~~ **(D) A statement that the candidate:**

**(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and**



expenditures; and

~~(B)~~ (ii) agrees to comply with the provisions of IC 3-9.

**This requirement does not apply to a candidate for a federal office.**

The candidate must separately ~~sign~~ **initial each of the statement statements** required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state, legislative, or local office in a previous primary, municipal, special, or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 11 of this chapter.

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information: ~~near the separate signature required by subsection (a)(7):~~

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(c) A declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 3. IC 3-8-5-10.5, AS AMENDED BY P.L.225-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.



- (b) A declaration of candidacy must be filed:
- (1) not earlier than the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4; and
  - (2) not later than:
    - (A) noon August 1 before a municipal election if the town nominates its candidates by convention; and
    - (B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.
  - (c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.
  - (d) The declaration of each candidate required by this section must certify the following information:
    - (1) The candidate's name, printed or typewritten 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) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward and town), county, and state.
    - (3) The candidate's complete residence address and the candidate's mailing address if the mailing address is different from the residence address.
    - (4) The candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat.
    - (5) That the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.
    - (6) **That the candidate has attached either of the following to the declaration:**
      - (A) **A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.**
      - (B) **A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.**
    - (7) **That the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office.**



**(8) That the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office.**

**(9) That the candidate:**

**(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and**

**(B) agrees to comply with the provisions of IC 3-9.**

~~(6)~~ **(10) The candidate's signature.**

(e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:

(1) noon August 1 before the municipal election if the town nominates its candidates by convention; and

(2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

(i) A declaration of candidacy must include a statement that the



candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 4. IC 3-8-6-12, AS AMENDED BY P.L.225-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) **The following statements:**

**(A) A statement that the candidate has attached either of the following to the petition:**

**(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.**

**(ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.**

**This requirement does not apply to a candidate for a federal office.**

**(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.**

**(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.**

~~(A)~~ **(D) A statement that the candidate:**



(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

~~(B)~~ (ii) agrees to comply with the provisions of IC 3-9.

**This requirement does not apply to a candidate for a federal office.**

The candidate must separately ~~sign~~ **initial each of the statement statements** required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and



(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

(1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

(B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon on the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:

(1) certify; or

(2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

(f) The commission shall provide that the form of a petition of nomination includes the following information: ~~near the separate signature required by subsection (b)(2):~~

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or



(2) the determination described in subsection (d)(1); using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 5. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. (a) Either the chairman and secretary of a state convention or the state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state not later than noon July 15 before the general election.

(b) The certificate must state the following:

(1) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

(2) **The following statements:**

**(A) A statement that the candidate has attached either of the following to the certificate:**

**(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.**

**(ii) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.**

**This requirement does not apply to a candidate for a federal office.**

**(B) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.**

**(C) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.**

~~(A)~~ **(D) A statement that the candidate:**

**(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and**

~~(B)~~ **(ii) agrees to comply with the provisions of IC 3-9.**

**This requirement does not apply to a candidate for a federal office.**





The candidate must separately ~~sign~~ **initial each of the statement statements** required by this subdivision.

(c) The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information: ~~near the separate signature required by subsection (b)(2):~~

- (1) The dates for filing campaign finance reports under IC 3-9.
- (2) The penalties for late filing of campaign finance reports under IC 3-9.

(d) A certificate of nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's certificate of nomination.

SECTION 6. IC 3-13-1-10.5, AS AMENDED BY P.L.225-2011, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

- (1) the chairman of the caucus or committee conducting a meeting under this chapter; and
  - (2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter;
- at least seventy-two (72) hours before the time fixed for the caucus or committee meeting.

(b) A candidate's declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be



the same as the name on the candidate's declaration of candidacy.

**(c) A candidate's declaration of candidacy must contain the following statements:**

**(1) A statement that the candidate has attached either of the following to the declaration:**

**(A) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.**

**(B) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.**

**This requirement does not apply to a candidate for a federal office.**

**(2) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.**

**(3) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.**

**(4) A statement that the candidate:**

**(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and**

**(B) agrees to comply with the provisions of IC 3-9.**

**This requirement does not apply to a candidate for a federal office.**

**The candidate must separately initial each of the statements required by this subsection.**

SECTION 7. IC 3-13-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) The selection of a person as a candidate under this chapter is not effective unless:

(1) the person's written consent is obtained and filed:

(A) in the office in which certificates and petitions of nomination must be filed; and

(B) when the certificate is filed; and

(2) the candidate has complied with any requirement under IC 3-8-1-33 to file a statement of economic interests.

(b) A candidate's consent must include a statement that the



candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent. If there is a difference between the name on the candidate's consent and the name on the candidate's voter registration record, the officer with whom the consent is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent.

**(c) A candidate's consent must contain the following statements:**

**(1) A statement that the candidate has attached either of the following to the consent:**

**(A) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.**

**(B) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.**

**This requirement does not apply to a candidate for a federal office.**

**(2) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.**

**(3) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.**

**(4) A statement that the candidate:**

**(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and**

**(B) agrees to comply with the provisions of IC 3-9.**

**This requirement does not apply to a candidate for a federal office.**

**The candidate must separately initial each of the statements required by this subsection."**

Page 1, line 5, after "office" delete "," and insert ".".

Page 1, line 5, delete "subject to section 9.5".

Page 1, delete lines 6 through 16, begin a new paragraph and insert:



"SECTION 9. IC 5-4-1-18, AS AMENDED BY P.L.117-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) Except as provided in subsection (b), the following city, town, county, or township officers and employees shall file an individual surety bond:

- (1) City judges, controllers, clerks, and clerk-treasurers.
- (2) Town judges and clerk-treasurers.
- (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.
- (4) Township trustees.
- (5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.
- (6) Township assessors (if any).

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit, including those officers described in subsection (a).

(c) Except as provided in subsections (h) and (i), the fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

- (1) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).
- (2) The amount may not be less than thirty thousand dollars (\$30,000) nor more than three hundred thousand dollars (\$300,000) unless the fiscal body approves a greater amount for the officer or employee.

County auditors shall file bonds in amounts of not less than thirty thousand dollars (\$30,000), as fixed by the fiscal body of the county. The amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than fifteen thousand dollars (\$15,000).

(d) Except as provided in subsection (j), a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

- (1) fixed by the board of directors of the solid waste management district; and



(2) that is at least thirty thousand dollars (\$30,000).

(e) Except as provided under subsection (d), a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

(f) ~~In 1982 and~~ Every four ~~(4)~~ years after that, **year following the year in which presidential electors are selected under IC 3-10-2-3**, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage. **The state examiner shall make the report required by this subsection not later than December 31 of the year following the year in which presidential electors are selected under IC 3-10-2-3.**

(g) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section, in consultation with the commission on public records under IC 5-15-5.1-6.

(h) Notwithstanding subsection (c), the state board of accounts may fix the amount of the bond for a city controller, city clerk-treasurer, town clerk-treasurer, Barrett Law fund custodian, county treasurer, county sheriff, circuit court clerk, township trustee, or conservancy district financial clerk at an amount that exceeds thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond. However, the bond amount may not exceed three hundred thousand dollars (\$300,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the officer engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(i) Notwithstanding subsection (c), the state board of accounts may fix the amount of the bond for any person who is not described in subsection (h) and is required to file an individual bond at an amount that exceeds fifteen thousand dollars (\$15,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the person engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(j) Notwithstanding subsection (d), the state board of accounts may



fix the amount of the bond for a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) at an amount that exceeds thirty thousand dollars (\$30,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the controller engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(k) Both of the following apply to a bond or crime insurance policy that is filed to comply with this section:

(1) Unless the bond or policy is canceled, the bond or policy must continue in force for the term of office of the individual who files the bond or policy.

(2) The aggregate liability of the surety or insurer is the amount specified in the bond or policy.

SECTION 10. IC 5-4-1-18.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 18.2. (a) Notwithstanding the amendments made to section 18(f) of this chapter by the second regular session of the 118th general assembly, the state examiner shall, before December 31, 2014, review the bond amounts fixed under section 18 of this chapter and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.**

**(b) This section expires January 1, 2017."**

Delete page 2.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 32 as printed January 10, 2014.)

SMITH M, Chair

Committee Vote: yeas 13, nays 0.

