



February 21, 2014

ENGROSSED SENATE BILL No. 32

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.

Tomes, Buck

(HOUSE SPONSORS — MCNAMARA, RICHARDSON)

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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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

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

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- 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**



- 1 **economic interests.**
- 2 **(B) A receipt or photocopy of a receipt showing that a**
- 3 **statement of economic interests has been filed.**
- 4 **(7) That the candidate understands that if the candidate is**
- 5 **elected to the office, the candidate may be required to obtain**
- 6 **and file an individual surety bond before serving in the office.**
- 7 **(8) That the candidate understands that if the candidate is**
- 8 **elected to the office, the candidate may be required to**
- 9 **successfully complete training or have attained certification**
- 10 **related to service in an elected office.**
- 11 **(9) That the candidate:**
- 12 **(A) is aware of the provisions of IC 3-9 regarding**
- 13 **campaign finance and the reporting of campaign**
- 14 **contributions and expenditures; and**
- 15 **(B) agrees to comply with the provisions of IC 3-9.**
- 16 ~~(6)~~ **(10) The candidate's signature.**
- 17 (e) This subsection does not apply to a town whose municipal
- 18 election is to be conducted by a county. Immediately after the deadline
- 19 for filing, the circuit court clerk shall do all of the following:
- 20 (1) Certify to the town clerk-treasurer and release to the public a
- 21 list of the candidates of each political party for each office. The
- 22 list shall indicate any candidates of a political party nominated for
- 23 an office under this chapter because of the failure of any other
- 24 candidates of that political party to file a declaration of candidacy
- 25 for that office.
- 26 (2) Post a copy of the list in a prominent place in the circuit court
- 27 clerk's office.
- 28 (3) File a copy of each declaration of candidacy with the town
- 29 clerk-treasurer.
- 30 (f) A person who files a declaration of candidacy for an elected
- 31 office for which a per diem or salary is provided for by law is
- 32 disqualified from filing a declaration of candidacy for another office for
- 33 which a per diem or salary is provided for by law until the original
- 34 declaration is withdrawn.
- 35 (g) A person who files a declaration of candidacy for an elected
- 36 office may not file a declaration of candidacy for that office in the same
- 37 year as a member of a different political party until the original
- 38 declaration is withdrawn.
- 39 (h) A person who files a declaration of candidacy under this section
- 40 may file a written notice withdrawing the person's declaration of
- 41 candidacy in the same manner as the original declaration was filed, if
- 42 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**



1 **office.**
2 **The candidate must separately initial each of the statements**
3 **required by this subsection.**
4 SECTION 8. IC 5-4-1-9 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2014]: Sec. 9. An officer required to give an
6 official bond ~~shall~~ **must** give the bond before the ~~commencement of his~~
7 **officer's** term of office **begins**. If the officer fails to give the bond
8 before that time, the officer may not take office.
9 SECTION 9. IC 5-4-1-18, AS AMENDED BY P.L.117-2011,
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2014]: Sec. 18. (a) Except as provided in subsection (b), the
12 following city, town, county, or township officers and employees shall
13 file an individual surety bond:
14 (1) City judges, controllers, clerks, and clerk-treasurers.
15 (2) Town judges and clerk-treasurers.
16 (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners,
17 assessors, and clerks.
18 (4) Township trustees.
19 (5) Those employees directed to file an individual bond by the
20 fiscal body of a city, town, or county.
21 (6) Township assessors (if any).
22 (b) The fiscal body of a city, town, county, or township may by
23 ordinance authorize the purchase of a blanket bond or a crime
24 insurance policy endorsed to include faithful performance to cover the
25 faithful performance of all employees, commission members, and
26 persons acting on behalf of the local government unit, including those
27 officers described in subsection (a).
28 (c) Except as provided in subsections (h) and (i), the fiscal bodies
29 of the respective units shall fix the amount of the bond of city
30 controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law
31 fund custodians, county treasurers, county sheriffs, circuit court clerks,
32 township trustees, and conservancy district financial clerks as follows:
33 (1) The amount must equal thirty thousand dollars (\$30,000) for
34 each one million dollars (\$1,000,000) of receipts of the officer's
35 office during the last complete fiscal year before the purchase of
36 the bond, subject to subdivision (2).
37 (2) The amount may not be less than thirty thousand dollars
38 (\$30,000) nor more than three hundred thousand dollars
39 (\$300,000) unless the fiscal body approves a greater amount for
40 the officer or employee.
41 County auditors shall file bonds in amounts of not less than thirty
42 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.

