

## SENATE BILL No. 355

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2; IC 3-8; IC 3-9; IC 3-10-2-7.5; IC 3-11-2-12; IC 3-12; IC 3-13; IC 4-2-6; IC 5-8; IC 20-18-2-19; IC 20-19-2; IC 34-29-2-1.

**Synopsis:** Election of state board of education members. After December 31, 2016, reestablishes the state board of education (state board) consisting of: (1) the state superintendent of public instruction; (2) one member elected from each Indiana congressional district; and (3) a teacher, principal, and school superintendent, all appointed by the state superintendent from lists of nominees submitted by the leaders of each political party in the general assembly. Provides that candidates for election to the state board are nominated at state political party conventions. Provides that a vacancy in the office of elected state board member is to be filled by a caucus comprised of the precinct committeemen of the political party whose precincts are within the congressional district where the vacancy has occurred. Makes conforming amendments. Makes a technical correction.

**Effective:** July 1, 2014.

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January 14, 2014, read first time and referred to Committee on Education and Career Development.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 355

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

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

1 SECTION 1. IC 3-5-2-17 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2014]: Sec. 17. "Elected office" means a federal  
3 office, state office, **state board of education office**, legislative office,  
4 school board office, or local office. Political party offices (such as  
5 precinct committeeman and state convention delegate) are not  
6 considered to be elected offices.

7 SECTION 2. IC 3-5-2-47.8 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2014]: **Sec. 47.8. "State board of education office" refers to the**  
10 **office of a member of the state board of education elected under**  
11 **IC 20-19-2-2.6.**

12 SECTION 3. IC 3-8-1-1, AS AMENDED BY P.L.194-2013,  
13 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2014]: Sec. 1. (a) This section does not apply to a candidate  
15 for any of the following offices:

16 (1) Judge of a city court.



- 1 (2) Judge of a town court.  
 2 (b) A person is not qualified to run for:  
 3 (1) a state office;  
 4 **(2) a state board of education office;**  
 5 ~~(2) (3)~~ a legislative office;  
 6 ~~(3) (4)~~ a local office; or  
 7 ~~(4) (5)~~ a school board office;  
 8 unless the person is registered to vote in the election district the person  
 9 seeks to represent not later than the deadline for filing the declaration  
 10 or petition of candidacy or certificate of nomination.  
 11 SECTION 4. IC 3-8-1-10.7 IS ADDED TO THE INDIANA CODE  
 12 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 13 **1, 2014]: Sec. 10.7. A candidate for membership on the state board**  
 14 **of education must have resided:**  
 15 **(1) in Indiana for at least two (2) years before the election;**  
 16 **and**  
 17 **(2) in the district in which the candidate is seeking election for**  
 18 **at least one (1) year before the election.**  
 19 SECTION 5. IC 3-8-1-33, AS AMENDED BY P.L.90-2012,  
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2014]: Sec. 33. (a) A candidate for an office listed in  
 22 subsection (b) must file a statement of economic interests.  
 23 (b) Whenever a candidate for any of the following offices is also  
 24 required to file a declaration of candidacy or is nominated by petition,  
 25 the candidate shall file a statement of economic interests before filing  
 26 the declaration of candidacy or declaration of intent to be a write-in  
 27 candidate, before the petition of nomination is filed, before the  
 28 certificate of nomination is filed, or before being appointed to fill a  
 29 candidate vacancy under IC 3-13-1 or IC 3-13-2:  
 30 (1) Governor, lieutenant governor, secretary of state, auditor of  
 31 state, treasurer of state, attorney general, ~~and~~ state superintendent  
 32 of public instruction, **and an elected member of the state board**  
 33 **of education,** in accordance with IC 4-2-6-8.  
 34 (2) Senator and representative in the general assembly, in  
 35 accordance with IC 2-2.1-3-2.  
 36 (3) Justice of the supreme court, judge of the court of appeals,  
 37 judge of the tax court, judge of a circuit court, judge of a superior  
 38 court, judge of a probate court, and prosecuting attorney, in  
 39 accordance with IC 33-23-11-14 and IC 33-23-11-15.  
 40 (4) A candidate for a local office or school board office, in  
 41 accordance with IC 3-8-9, except a candidate for a local office  
 42 described in subdivision (3).



1 SECTION 6. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2014]: Sec. 5. A declaration of candidacy for:

3 (1) a federal office;

4 (2) a state office;

5 **(3) a state board of education office;**

6 ~~(3)~~ (4) a legislative office; or

7 ~~(4)~~ (5) the local office of:

8 (A) judge of a circuit, superior, probate, county, or small  
9 claims court; or

10 (B) prosecuting attorney of a judicial circuit;  
11 shall be filed with the secretary of state.

12 SECTION 7. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A political party shall conduct  
14 a state convention to nominate the candidates of the political party for  
15 the following offices to be voted on at the next general election:

16 (1) Lieutenant governor.

17 (2) Secretary of state.

18 (3) Auditor of state.

19 (4) Treasurer of state.

20 (5) Attorney general.

21 (6) Superintendent of public instruction.

22 **(7) State board of education members elected under**  
23 **IC 20-19-2-2.6.**

24 (b) The convention shall also:

25 (1) nominate candidates for presidential electors and alternate  
26 electors; and

27 (2) elect the delegates and alternate delegates to the national  
28 convention of the political party.

29 SECTION 8. IC 3-8-8-1, AS ADDED BY P.L.230-2005, SECTION  
30 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
31 2014]: Sec. 1. (a) This chapter applies only to a candidate for election  
32 to any of the following:

33 (1) A legislative office.

34 (2) A state office other than a judicial office.

35 **(3) A state board of education office.**

36 (b) This chapter applies notwithstanding any other law relating to  
37 challenges to the qualifications of a candidate to be elected at a general  
38 election.

39 SECTION 9. IC 3-9-1-12, AS AMENDED BY P.L.225-2011,  
40 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2014]: Sec. 12. (a) A committee may disband at any time in  
42 the manner prescribed by this section.



1 (b) The commission or a county election board may administratively  
2 disband a committee in the manner prescribed by this section.

3 (c) The commission has exclusive jurisdiction to disband any of the  
4 following:

5 (1) A candidate's committee for state office.

6 **(2) A candidate's committee for state board of education**  
7 **office.**

8 ~~(2)~~ **(3)** A candidate's committee for legislative office.

9 ~~(3)~~ **(4)** A legislative caucus committee.

10 ~~(4)~~ **(5)** A political action committee that has filed a statement or  
11 report with the election division.

12 ~~(5)~~ **(6)** A regular party committee that has filed a statement or  
13 report with the election division.

14 (d) A county election board has exclusive jurisdiction to disband  
15 any of the following:

16 (1) A candidate's committee for a local office.

17 (2) A candidate's committee for a school board office.

18 (3) A political action committee that has filed a statement or  
19 report with the election board, unless the political action  
20 committee has also filed a report with the election division.

21 (4) A regular party committee that has filed a statement or report  
22 with the election board, unless the regular party committee has  
23 also filed a report with the election division.

24 (e) The commission or a county election board may administratively  
25 disband a committee in the following manner:

26 (1) Not later than the last Friday of January of each year, the  
27 election division or county election board shall review the list of  
28 committees that have filed statements of organization with the  
29 division or board under this article.

30 (2) If the election division or county election board determines  
31 both of the following, the election division or county election  
32 board may begin a proceeding before the commission or board to  
33 administratively disband the committee:

34 (A) The committee has not filed any report of expenditures  
35 during the previous three (3) calendar years.

36 (B) The committee last reported cash on hand in an amount  
37 that does not exceed one thousand dollars (\$1,000), if the  
38 committee filed a report under this article.

39 (3) The election division or county election board shall provide  
40 notice of the proceeding by certified mail to the last known  
41 address of the chairman and treasurer of the committee.

42 (4) The commission or board may issue an order administratively



1 dissolving the committee if the commission or board makes the  
2 following findings:

3 (A) There is no evidence that the committee continues to  
4 receive contributions, make expenditures, or otherwise  
5 function as a committee.

6 (B) According to the best evidence available to the  
7 commission or board, the dissolution of the committee will not  
8 impair any contract or impede the collection of a debt or  
9 judgment by any person.

10 (5) If the commission or board:

11 (A) administratively dissolves a committee under subdivision  
12 (4); and

13 (B) finds that the prudent use of public resources makes  
14 further efforts to collect any outstanding civil penalty imposed  
15 against the committee wasteful or unjust;

16 the commission or board may also waive the outstanding civil  
17 penalty previously imposed by the commission or board against  
18 the committee.

19 (6) The election division shall arrange for the publication in the  
20 Indiana Register of an order administratively disbanding a  
21 committee. A county election board shall publish a notice under  
22 IC 5-3-1 stating that the board has disbanded a committee under  
23 this subsection. The notice must state the date of the order and the  
24 name of the committee, but the board is not required to publish  
25 the text of the order.

26 (7) An order issued under this subsection takes effect immediately  
27 upon its adoption, unless otherwise specified in the order.

28 (f) If the chairman or treasurer of a committee wishes to disband the  
29 committee, the committee must do either of the following:

30 (1) Give written notification of the dissolution and transfer a  
31 surplus of contributions less expenditures to any one (1) or a  
32 combination of the following:

33 (A) One (1) or more regular party committees.

34 (B) One (1) or more candidate's committees.

35 (C) The election division.

36 (D) An organization exempt from federal income taxation  
37 under Section 501 of the Internal Revenue Code.

38 (E) Contributors to the committee, on a pro rata basis.

39 (2) Use the surplus in any other manner permitted under  
40 IC 3-9-3-4.

41 (g) Except as provided in subsection (e) concerning the waiver of  
42 civil penalties, a dissolution or transfer of funds does not relieve the



1 committee or the committee's members from any:

- 2 (1) civil liability, including the liability of the committee's  
3 chairman or treasurer for the payment of any debts incurred by or  
4 on behalf of the committee; or  
5 (2) criminal liability.

6 SECTION 10. IC 3-9-2-12, AS AMENDED BY P.L.58-2010,  
7 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2014]: Sec. 12. (a) This section does not apply to:

- 9 (1) a member of the general assembly; or  
10 (2) a candidate's committee of a member of the general assembly;  
11 with respect to an office other than a legislative office or a state office  
12 to which the member seeks election.

13 (b) As used in this section, "affected person" refers to any of the  
14 following:

- 15 (1) An individual who holds a legislative office.  
16 (2) A candidate for a legislative office.  
17 (3) An individual who holds a state office.  
18 (4) A candidate for a state office.  
19 **(5) An individual who holds a state board of education office.**  
20 **(6) A candidate for a state board of education office.**

21 (c) As used in this section, "prohibited period" means the period:

- 22 (1) beginning on the day in January in each odd-numbered year  
23 the general assembly reconvenes under IC 2-2.1-1-2; and  
24 (2) through the day the general assembly adjourns sine die in an  
25 odd-numbered year under IC 2-2.1-1-2.

26 (d) During the prohibited period, an affected person, an affected  
27 person's candidate's committee, and a legislative caucus committee may  
28 not do any of the following:

- 29 (1) Solicit campaign contributions.  
30 (2) Accept campaign contributions.  
31 (3) Conduct other fundraising activities. This subdivision does not  
32 prohibit an affected person from participating in party activities  
33 conducted by a regular party committee.

34 SECTION 11. IC 3-9-4-4, AS AMENDED BY P.L.164-2006,  
35 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2014]: Sec. 4. (a) The election division shall develop a filing  
37 and coding system consistent with the purposes of this article. The  
38 election division and each county election board shall use the filing and  
39 coding system. The coding system must provide:

- 40 (1) not more than ten (10) codes to account for various campaign  
41 expenditure items; and  
42 (2) a clear explanation of the kinds of expenditure items that must



- 1 be accounted for under each code.
- 2 (b) The election division shall develop and use a computer system  
3 to store campaign finance reports required to be filed under IC 3-9-5-6,  
4 IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the  
5 election division to do the following:
- 6 (1) Identify all candidates or committees that received  
7 contributions from a contributor over the past three (3) years.  
8 (2) Identify all contributors to a candidate or committee over the  
9 past three (3) years.  
10 (3) Provide for electronic submission, retrieval, storage, and  
11 disclosure of campaign finance reports of candidates for the  
12 following:
- 13 (A) Legislative office.  
14 (B) State office.  
15 **(C) State board of education office.**
- 16 The election division shall provide training at no cost to  
17 candidates to enable candidates described in this subdivision to  
18 file campaign finance reports electronically.
- 19 (c) The election division shall notify each candidate's committee  
20 that the election division will provide at the committee's request at no  
21 cost a standardized software program to permit the committee to install  
22 the software on a computer and generate an electronic version of the  
23 reports and statements required to be filed with the election division  
24 under this article. However, the election division is not required to  
25 provide or alter the software program to make the program compatible  
26 for installation or operation on a specific computer.
- 27 (d) This subsection applies to the following committees:
- 28 (1) A committee for a candidate seeking election to a state office  
29 **or a state board of education office.**  
30 (2) A political action committee that has received more than fifty  
31 thousand dollars (\$50,000) in contributions since the close of the  
32 previous reporting period.
- 33 The committee must file electronically the report or statement required  
34 under this article with the election division using a standardized  
35 software program supplied to the committee without charge under  
36 subsection (c) or another format approved by the election division. An  
37 electronic filing approved by the election division under this subsection  
38 may not require manual reentry into a computer system of the data  
39 contained in the report or statement in order to make the data available  
40 to the general public under subsection (g).
- 41 (e) This subsection applies to an electronic submission under  
42 subsection (b)(3). An electronic submission must be in a format





1 previously approved by the commission that permits the election  
 2 division to print out a hard copy of the report after the receipt of the  
 3 electronic submission from the candidate. Filing of a report occurs  
 4 under IC 3-5-2-24.5 on the date and at the time electronically recorded  
 5 by the election division's computer system. If a discrepancy exists  
 6 between the text of the electronic submission and the printed report, the  
 7 text of the printed report prevails until an amendment is filed under this  
 8 article to correct the discrepancy.

9 (f) The election division is not required to accept an electronic  
 10 submission unless the submission complies with subsection (b)(3).  
 11 Upon receiving approval from the commission, the election division  
 12 may accept an electronic submission from candidates, committees, or  
 13 persons described in subsection (b)(3).

14 (g) The election division shall make campaign finance reports stored  
 15 on the computer system under subsection (b) available to the general  
 16 public through an on-line service.

17 SECTION 12. IC 3-9-5-2 IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2014]: Sec. 2. The following persons, whenever  
 19 required to file a report, notice, or other instrument by this article, shall  
 20 file it with the election division:

21 (1) Candidates for state office and their candidate's committees.

22 **(2) Candidates for state board of education office and their  
 23 candidate's committees.**

24 ~~(2)~~ **(3)** The following central committees:

25 (A) State committees.

26 (B) Congressional district committees.

27 ~~(3)~~ **(4)** Other regular party committees that propose to influence  
 28 the election of a candidate for state or legislative office or the  
 29 outcome of a public question for or against which the electorate  
 30 of the whole state may vote.

31 ~~(4)~~ **(5)** Political action committees that propose to influence the  
 32 election of a candidate for state or legislative office or the  
 33 outcome of a public question for or against which the electorate  
 34 of the whole state may vote.

35 ~~(5)~~ **(6)** Legislative caucus committees.

36 SECTION 13. IC 3-9-5-6, AS AMENDED BY P.L.164-2006,  
 37 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2014]: Sec. 6. (a) This subsection applies to a candidate's  
 39 committee other than a candidate's committee of a candidate for a state  
 40 office **or a state board of education office**. Except as otherwise  
 41 provided in this chapter, each committee, the committee's treasurer,  
 42 and each candidate shall complete a report required by this chapter



1 current and dated as of the following dates:

2 (1) Twenty-five (25) days before the nomination date.

3 (2) Twenty-five (25) days before the general, municipal, or  
4 special election.

5 (3) The annual report filed and dated as required by section 10 of  
6 this chapter.

7 (b) This subsection applies to a regular party committee. Except as  
8 otherwise provided in this chapter, each committee and the committee's  
9 treasurer shall complete a report required by this chapter current and  
10 dated as of the following dates:

11 (1) Twenty-five (25) days before a primary election.

12 (2) Twenty-five (25) days before a general, municipal, or special  
13 election.

14 (3) The date of the annual report filed and dated as required under  
15 section 10 of this chapter.

16 (c) This subsection applies to a legislative caucus committee.  
17 Except as otherwise provided in this chapter, each committee and the  
18 committee's treasurer shall complete a report required under this  
19 chapter current and dated as of the following dates:

20 (1) Twenty-five (25) days before a primary election conducted in  
21 an even-numbered year.

22 (2) Twenty-five (25) days before a general election conducted in  
23 an even-numbered year.

24 (3) The date of the annual report filed and dated as required under  
25 section 10 of this chapter.

26 A legislative caucus committee is not required to file any report  
27 concerning the committee's activity during an odd-numbered year other  
28 than the annual report filed and dated under section 10 of this chapter.

29 (d) This subsection applies to a political action committee. Except  
30 as otherwise provided in this chapter, each committee and the  
31 committee's treasurer shall complete a report required by this chapter  
32 current and dated as of the following dates:

33 (1) Twenty-five (25) days before a primary election.

34 (2) Twenty-five (25) days before a general, municipal, or special  
35 election.

36 (3) The date of the annual report filed and dated as required under  
37 section 10 of this chapter.

38 (e) This subsection applies to a candidate's committee of a candidate  
39 for a state office **or a state board of education office**. A candidate's  
40 committee is not required to file a report under section 8.2, 8.4, or 8.5  
41 of this chapter. For a year in which an election to the state office is  
42 held, the treasurer of a candidate's committee shall file the following



- 1 reports:
- 2 (1) A report covering the period from January 1 through March 31
- 3 of the year of the report. A report required by this subdivision
- 4 must be filed not later than noon April 15 of the year covered by
- 5 the report.
- 6 (2) A report covering the period from April 1 through June 30 of
- 7 the year of the report. A report required by this subdivision must
- 8 be filed not later than noon July 15 of the year covered by the
- 9 report.
- 10 (3) A report covering the period from July 1 through September
- 11 30 of the year of the report. A report required by this subdivision
- 12 must be filed not later than noon October 15 of the year covered
- 13 by the report.
- 14 (4) A report covering the period from October 1 of the year of the
- 15 report through the date that is fifteen (15) days before the date of
- 16 the election. A report required by this subdivision must be filed
- 17 not later than noon seven (7) days before the date of the election.
- 18 (5) A report covering the period from the date that is fourteen (14)
- 19 days before the date of the election through December 31 of the
- 20 year of the report. A report required by this subdivision must:
- 21 (A) provide cumulative totals from January 1 through
- 22 December 31 of the year of the report; and
- 23 (B) be filed not later than the deadline specified in section 10
- 24 of this chapter.
- 25 SECTION 14. IC 3-9-5-8, AS AMENDED BY P.L.164-2006,
- 26 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2014]: Sec. 8. (a) This section:
- 28 (1) applies to a candidate for nomination to an office in a
- 29 convention who becomes a candidate less than twenty-five (25)
- 30 days before the nomination date for a candidate chosen at a
- 31 convention; and
- 32 (2) does not apply to a candidate for nomination to a state office
- 33 **or a state board of education office** by a political party at a
- 34 convention conducted under IC 3-8-4.
- 35 (b) A candidate is not required to file a report in accordance with
- 36 section 6(a)(1) of this chapter. The candidate shall file the candidate's
- 37 first report not later than noon twenty (20) days after the nomination
- 38 date for a candidate chosen at a convention.
- 39 (c) The reporting period for the first report required for a candidate
- 40 begins on the date that the individual became a candidate and ends on
- 41 the day following the adjournment of the convention.
- 42 SECTION 15. IC 3-9-5-9, AS AMENDED BY P.L.221-2005,



1 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 9. (a) Except as provided in subsections (b) and  
3 (c), in a year in which a candidate is not a candidate for election to an  
4 office to which this article applies or does not seek nomination at a  
5 caucus or state convention for election to an office to which this article  
6 applies, the treasurer of the candidate's committee shall file only the  
7 report required by section 10 of this chapter.

8 (b) This subsection applies to a candidate who holds one (1) office  
9 and is a candidate for a different office (or has filed a statement of  
10 organization for an exploratory committee without indicating that the  
11 individual is a candidate for a specific office). The treasurer of the  
12 candidate's committee for the office the candidate holds shall file the  
13 following reports:

14 (1) If the committee spends, transfers in, or transfers out at least  
15 ten thousand dollars (\$10,000) from January 1 until twenty-five  
16 (25) days before the primary election, the treasurer shall file a  
17 preprimary report under section 6 of this chapter.

18 (2) If the committee spends, transfers in, or transfers out at least  
19 ten thousand dollars (\$10,000) from twenty-five (25) days before  
20 the primary election until twenty-five (25) days before the general  
21 election, the treasurer shall file a pregeneral election report under  
22 section 6 of this chapter.

23 (3) The report required under section 10 of this chapter.

24 (c) This subsection applies to a candidate who is required to file a  
25 preprimary report or preconvention report under section 6 of this  
26 chapter and who:

27 (1) is defeated at the primary election or convention; or

28 (2) withdraws or is disqualified as a candidate before the general  
29 election.

30 The treasurer of a candidate's committee described by this subsection  
31 is not required to file a pregeneral election report under section 6 of  
32 this chapter but shall file the report required by section 10 of this  
33 chapter.

34 (d) This subsection applies to a candidate for election to a city office  
35 or a town office. If a municipal primary is not conducted in the  
36 municipality by one (1) or more parties authorized to conduct a  
37 primary, the candidate must file a report in accordance with the  
38 schedule set forth in section 6 of this chapter as if the primary were  
39 conducted. If a municipal election is not conducted in the municipality,  
40 the candidate must file a report in accordance with section 6 of this  
41 chapter as if the municipal election were conducted.

42 (e) This subsection applies to a candidate's committee of a candidate



1 for a state office **or a state board of education office**. For a year in  
 2 which an election to the state office is not held, the treasurer of a  
 3 candidate's committee shall file the following reports in addition to any  
 4 other report required by this article:

5 (1) A report covering the period from January 1 through June 30  
 6 of the year of the report. A report required by this subdivision  
 7 must be filed not later than noon July 15 of the year covered by  
 8 the report.

9 (2) A report covering the period from July 1 through December  
 10 31 of the year of the report. A report required by this subdivision  
 11 must:

12 (A) provide cumulative totals from January 1 through  
 13 December 31 of the year of the report; and

14 (B) be filed by the deadline specified in section 10 of this  
 15 chapter.

16 SECTION 16. IC 3-9-5-10, AS AMENDED BY P.L.221-2005,  
 17 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2014]: Sec. 10. (a) The treasurer of each committee shall file  
 19 a report each year that is complete as of December 31 of the previous  
 20 year and covers the period since the last report. This annual report is  
 21 due by noon:

22 (1) the third Wednesday in January, in the case of:

23 (A) a candidate's committee;

24 (B) a legislative caucus committee; or

25 (C) a political action committee; or

26 (2) March 1, in the case of a regular party committee.

27 (b) A candidate's committee of a candidate for a state office **or a**  
 28 **state board of education office** that files a report:

29 (1) under section 6(e)(5) or 9(e)(2) of this chapter; and

30 (2) by the deadline specified under subsection (a) for filing a  
 31 candidate's committee report;

32 is not required to file an additional report under this section.

33 SECTION 17. IC 3-9-5-20.1, AS AMENDED BY P.L.221-2005,  
 34 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2014]: Sec. 20.1. (a) This section:

36 (1) applies only to a large contribution that is received by a  
 37 candidate, the candidate's committee, or the treasurer of the  
 38 candidate's committee; and

39 (2) does not apply to a candidate for a state office **or a state**  
 40 **board of education office**, the candidate's committee, or the  
 41 treasurer of the candidate's committee.

42 (b) As used in this section, "election" refers to any of the following:



- 1 (1) A primary election.  
 2 (2) A general election.  
 3 (3) A municipal election.  
 4 (4) A special election.  
 5 (5) For candidates nominated at a state convention, the state  
 6 convention.  
 7 (c) As used in this section, "large contribution" means contributions:  
 8 (1) that total at least one thousand dollars (\$1,000); and  
 9 (2) that are received:  
 10 (A) not more than twenty-five (25) days before an election;  
 11 and  
 12 (B) not less than forty-eight (48) hours before an election.  
 13 (d) The treasurer of a candidate's committee shall file a  
 14 supplemental large contribution report with the election division or a  
 15 county election board not later than forty-eight (48) hours after the  
 16 contribution is received. A candidate for a legislative office shall file  
 17 a report required by this section with the election division and the  
 18 county election board as required by section 3 of this chapter. A report  
 19 filed under this section may be filed by facsimile (fax) transmission.  
 20 (e) A report required by subsection (d) must contain the following  
 21 information for each large contribution:  
 22 (1) The name of the person making the contribution.  
 23 (2) The address of the person making the contribution.  
 24 (3) If the person making the contribution is an individual, the  
 25 individual's occupation.  
 26 (4) The total amount of the contribution.  
 27 (5) The dates and times the contributions making up the large  
 28 contribution were received by the treasurer, the candidate, or the  
 29 candidate's committee.  
 30 (f) The commission shall prescribe the form for the report required  
 31 by this section.  
 32 SECTION 18. IC 3-9-5-22, AS ADDED BY P.L.221-2005,  
 33 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2014]: Sec. 22. (a) This section applies only to a large  
 35 contribution that is received by a candidate for a state office **or a state**  
 36 **board of education office**, the candidate's committee, or the treasurer  
 37 of the candidate's committee.  
 38 (b) As used in this section, "election" refers to any of the following:  
 39 (1) For a candidate nominated at a primary election, the primary  
 40 election.  
 41 (2) For a candidate nominated at a state convention, the state  
 42 convention.



- 1 (3) A general election.  
 2 (c) As used in this section, "large contribution" means either of the  
 3 following:  
 4 (1) Contributions:  
 5 (A) that total at least one thousand dollars (\$1,000); and  
 6 (B) that are received:  
 7 (i) after the end of a reporting period and before the deadline  
 8 for the candidate's committee to file a report under section  
 9 6 of this chapter; and  
 10 (ii) not less than forty-eight (48) hours before an election.  
 11 (2) A single contribution that is at least ten thousand dollars  
 12 (\$10,000) that is received at any time.  
 13 (d) The treasurer of a candidate's committee shall file a  
 14 supplemental large contribution report with the election division not  
 15 later than:  
 16 (1) forty-eight (48) hours after a contribution described by  
 17 subsection (c)(1) is received; or  
 18 (2) noon seven (7) days after a contribution described by  
 19 subsection (c)(2) is received.  
 20 (e) A report filed under this section may be filed by facsimile  
 21 transmission or as an electronic report when the requirements of  
 22 IC 3-9-4 or this chapter have been met. A report required by subsection  
 23 (d) must contain the following information for each large contribution:  
 24 (1) The name of the person making the contribution.  
 25 (2) The address of the person making the contribution.  
 26 (3) If the person making the contribution is an individual, the  
 27 individual's occupation.  
 28 (4) The total amount of the contribution.  
 29 (5) The dates and times the contributions making up the large  
 30 contribution described in subsection (c)(1) or a large contribution  
 31 described in subsection (c)(2) were received by the treasurer, the  
 32 candidate, or the candidate's committee.  
 33 (f) The commission shall prescribe the form for the report required  
 34 by this section.  
 35 SECTION 19. IC 3-10-2-7.5 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 37 1, 2014]: **Sec. 7.5. (a) As used in this section, "state board" refers**  
 38 **to the state board of education established by IC 20-19-2-2 (before**  
 39 **January 1, 2017) and by IC 20-19-2-2.5 (after December 31, 2016).**  
 40 **(b) As used in this section, "state board of education district"**  
 41 **refers to a congressional district established under IC 3-3 that is**  
 42 **associated with a state board of education office under**



1 **IC 20-19-2-2.5(b)(2).**

2 **(c) The successors to the appointed members of the state board**  
 3 **who are serving on December 31, 2016, shall be elected at the 2016**  
 4 **general election as follows:**

5 **(1) A member elected from an odd-numbered state board of**  
 6 **education district shall take office on January 1, 2017, and**  
 7 **serve a four (4) year term.**

8 **(2) A member elected from an even-numbered state board of**  
 9 **education district shall take office on January 1, 2017, and**  
 10 **serve a two (2) year term.**

11 **(d) A successor to a member of the state board described in**  
 12 **subsection (c)(1) shall be elected in 2020 and every four (4) years**  
 13 **thereafter.**

14 **(e) A successor to a member of the state board described in**  
 15 **subsection (c)(2) shall be elected in 2018 and every four (4) years**  
 16 **thereafter.**

17 SECTION 20. IC 3-11-2-12, AS AMENDED BY P.L.6-2012,  
 18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2014]: Sec. 12. The following offices shall be placed on the  
 20 general election ballot in the following order after the public questions  
 21 described in section 10(a) of this chapter:

22 (1) Federal and state offices:

23 (A) President and Vice President of the United States.

24 (B) United States Senator.

25 (C) Governor and lieutenant governor.

26 (D) Secretary of state.

27 (E) Auditor of state.

28 (F) Treasurer of state.

29 (G) Attorney general.

30 (H) Superintendent of public instruction.

31 (I) United States Representative.

32 (2) Legislative offices:

33 (A) State senator.

34 (B) State representative.

35 **(3) State board of education offices.**

36 **(4) Circuit offices and county judicial offices:**

37 (A) Judge of the circuit court, and unless otherwise specified  
 38 under IC 33, with each division separate if there is more than  
 39 one (1) judge of the circuit court.

40 (B) Judge of the superior court, and unless otherwise specified  
 41 under IC 33, with each division separate if there is more than  
 42 one (1) judge of the superior court.





- 1 (C) Judge of the probate court.  
 2 (D) Prosecuting attorney.  
 3 (E) Clerk of the circuit court.  
 4 ~~(4)~~ **(5)** County offices:  
 5 (A) County auditor.  
 6 (B) County recorder.  
 7 (C) County treasurer.  
 8 (D) County sheriff.  
 9 (E) County coroner.  
 10 (F) County surveyor.  
 11 (G) County assessor.  
 12 (H) County commissioner.  
 13 (I) County council member.  
 14 ~~(5)~~ **(6)** Township offices:  
 15 (A) Township assessor (only in a township referred to in  
 16 IC 36-6-5-1(d)).  
 17 (B) Township trustee.  
 18 (C) Township board member.  
 19 (D) Judge of the small claims court.  
 20 (E) Constable of the small claims court.  
 21 ~~(6)~~ **(7)** City offices:  
 22 (A) Mayor.  
 23 (B) Clerk or clerk-treasurer.  
 24 (C) Judge of the city court.  
 25 (D) City-county council member or common council member.  
 26 ~~(7)~~ **(8)** Town offices:  
 27 (A) Clerk-treasurer.  
 28 (B) Judge of the town court.  
 29 (C) Town council member.

30 SECTION 21. IC 3-12-5-12.5 IS ADDED TO THE INDIANA  
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2014]: **Sec. 12.5. (a) Not later than noon on**  
 33 **the second Monday following an election for a state board of**  
 34 **education office, each circuit court clerk shall:**

- 35 **(1) prepare a certified statement under the clerk's seal**  
 36 **specifying the number of votes received in the county by each**  
 37 **candidate for a state board of education office; and**  
 38 **(2) send the statement by certified mail, return receipt**  
 39 **requested, or hand deliver the statement to the election**  
 40 **division.**

41 **(b) The election division shall provide a copy of each statement**  
 42 **received under subsection (a) to each candidate listed on the**



- 1 statement.
- 2 (c) After receiving the certified statement under subsection (a),
- 3 the election division shall:
- 4 (1) immediately total all certified statements from each state
- 5 board of education district; and
- 6 (2) promptly prepare and transmit to the candidate receiving
- 7 the highest number of votes for each state board of education
- 8 office a certificate of the candidate's election.
- 9 (d) The secretary of state shall sign the certificates prepared by
- 10 the election division under subsection (c). However, if two (2) or
- 11 more candidates receive the highest and equal number of votes
- 12 according to the tabulation prepared by the election division, the
- 13 secretary of state shall immediately certify the tie vote to the
- 14 governor.

15 SECTION 22. IC 3-12-9-1, AS AMENDED BY P.L.230-2005,

16 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

17 JULY 1, 2014]: Sec. 1. (a) Whenever a tie vote at an election for:

- 18 (1) a federal office;
- 19 (2) a state office (other than governor and lieutenant governor);

20 or

21 (3) a state board of education office; or

22 ~~(4)~~ (4) a legislative office;

23 occurs, a special election shall be held.

24 (b) Whenever a tie vote occurs at a primary election for the

25 nomination of a candidate to be voted for at the general or municipal

26 election, IC 3-13-1-17 applies.

27 SECTION 23. IC 3-12-9-5 IS AMENDED TO READ AS

28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. Whenever a tie vote

29 at an election for:

30 (1) a state office;

31 (2) a state board of education office;

32 ~~(3)~~ (3) a local office; or

33 ~~(4)~~ (4) a school board office;

34 occurs, the incumbent public official remains in office in accordance

35 with Article 15, Section 3 of the Constitution of the State of Indiana

36 until a successor is elected under this chapter and qualified.

37 SECTION 24. IC 3-12-10-18, AS AMENDED BY P.L.194-2013,

38 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

39 JULY 1, 2014]: Sec. 18. (a) Any party to a final determination of the

40 state recount commission concerning:

41 (1) a nomination subject to IC 3-12-11; or

42 (2) an election to a state office other than governor or lieutenant



1 governor; **or**

2 **(3) an election to a state board of education office;**

3 may appeal the final determination to the court of appeals for errors of  
4 law under the same terms, conditions, and standards that govern  
5 appeals in ordinary civil actions. An assignment of errors that the  
6 commission's final determination is contrary to law is sufficient to  
7 present both the sufficiency of the facts found to sustain the  
8 commission's determination and the sufficiency of the evidence to  
9 sustain the findings of facts upon which the commission's  
10 determination was rendered.

11 (b) If the court of appeals finds that a party has been substantially  
12 prejudiced by commission action that is:

13 (1) arbitrary, capricious, an abuse of discretion, or otherwise not  
14 in accordance with law;

15 (2) contrary to constitutional right, power, privilege, or immunity;

16 (3) in excess of statutory jurisdiction, authority, or limitations, or  
17 short of statutory right; or

18 (4) without observance of procedure required by law;

19 the court may set aside the final determination of the commission. The  
20 court may remand the case to the commission for further proceedings  
21 and compel commission action that has been unreasonably delayed or  
22 unlawfully withheld.

23 SECTION 25. IC 3-12-11-1, AS AMENDED BY P.L.194-2013,  
24 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (d), any  
26 candidate:

27 (1) in a presidential primary election;

28 (2) for nomination to a federal, state, or legislative office in a  
29 primary election; or

30 (3) for a federal, state, **state board of education**, or legislative  
31 office;

32 is entitled to have the votes cast for that office recounted or to contest  
33 the nomination or election of a candidate under this chapter. A recount  
34 may be conducted in one (1) or more of the precincts in which votes  
35 were cast for the office.

36 (b) This subsection applies to an election for a federal, ~~or~~ state, **or**  
37 **state board** office. Except as provided in subsection (d), if a candidate  
38 who is entitled to file a petition for a recount or contest under this  
39 chapter does not file a petition within the period established by section  
40 2 of this chapter, the state chairman of the candidate's political party  
41 may file a petition to:

42 (1) have the votes recounted in one (1) or more precincts; or



- 1 (2) contest the nomination or election of a candidate.
- 2 (c) This subsection applies to an election for a legislative office.
- 3 Except as provided in subsection (d), if a candidate who is entitled to
- 4 file a petition for a recount or contest under this chapter does not file
- 5 a petition within the period established by section 2 of this chapter, a
- 6 county chairman who:
- 7 (1) resides in a county located within the election district in which
- 8 the recount or contest is desired; and
- 9 (2) is a member of the same political party as the candidate
- 10 entitled to petition for a recount or contest under this chapter;
- 11 may file a petition to have the votes recounted in one (1) or more
- 12 precincts or to contest the nomination or election of a candidate.
- 13 (d) The nomination of a candidate in a primary election who has
- 14 been certified as deceased under IC 3-8-7-1 may not be contested under
- 15 this chapter.
- 16 SECTION 26. IC 3-12-11-2, AS AMENDED BY P.L.221-2005,
- 17 SECTION 122, IS AMENDED TO READ AS FOLLOWS
- 18 [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A candidate who desires:
- 19 (1) a recount of votes cast for a nomination or election subject to
- 20 this chapter; or
- 21 (2) to contest a nomination subject to this chapter or the election
- 22 of a state office other than governor or lieutenant governor, **or a**
- 23 **state board of education office;**
- 24 must file a verified petition with the election division not later than
- 25 noon fourteen (14) days after election day.
- 26 (b) A state or county chairman who is entitled to and desires to file
- 27 a petition for a recount or contest under this chapter must file a verified
- 28 petition with the election division not later than noon seventeen (17)
- 29 days after election day.
- 30 SECTION 27. IC 3-12-11-23 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) If a recount is
- 32 made:
- 33 (1) in a presidential primary election;
- 34 (2) for nomination to a federal, state, or legislative office in a
- 35 primary election;
- 36 (3) in an election to a federal office; ~~or~~
- 37 (4) in an election to a state office other than governor and
- 38 lieutenant governor; **or**
- 39 **(5) in an election to a state board of education office;**
- 40 the election division shall determine whether the votes in the precincts
- 41 shown by the recount certificate differ from the votes that were
- 42 tabulated by any county election board. If the election division



1 previously included in a tabulation the votes cast for the office as  
 2 returned by the county election board, the election division shall  
 3 correct the tabulation in accordance with the certificate.

4 (b) The election division shall provide a copy of the corrected  
 5 tabulation for each precinct to the office.

6 SECTION 28. IC 3-12-11-25, AS AMENDED BY P.L.225-2011,  
 7 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2014]: Sec. 25. (a) Except as provided in subsection (b),  
 9 whenever the commission makes a final determination under section  
 10 18 of this chapter that the candidate who is subject to a contest  
 11 proceeding is not eligible to serve in the office to which the candidate  
 12 is nominated or elected, the candidate who received the second highest  
 13 number of votes for the office is entitled to a certificate of nomination  
 14 or certificate of election even though a certificate may have been issued  
 15 to another candidate upon the tabulation of the votes.

16 (b) This subsection applies to a contest proceeding for a **state board**  
 17 **of education office and a state office** other than the offices of  
 18 governor, lieutenant governor, justice of the supreme court, judge of  
 19 the court of appeals, and judge of the tax court. Whenever the  
 20 commission makes a final determination under section 18(b) of this  
 21 chapter that the candidate who is subject to a contest proceeding is not  
 22 eligible to serve in the office to which the candidate is elected the  
 23 following apply:

24 (1) This subdivision does not apply to the filling of a state office  
 25 following a contest proceeding or court action that resulted from  
 26 an election held before January 1, 2011. The office is considered  
 27 vacant, and the governor shall fill the vacancy as provided in  
 28 IC 3-13-4-3(e) by the appointment of a person of the same  
 29 political party as the candidate who is not eligible to serve.

30 (2) The commission's determination that the candidate is not  
 31 eligible to serve in the office does not affect the votes cast for the  
 32 candidate for purposes of determining the number or percentage  
 33 of votes cast for purposes of other statutes, including IC 3-5-2-30,  
 34 IC 3-6-2-1, IC 3-6-4.1-6, IC 3-6-5.2-7, IC 3-6-6-8, IC 3-6-7-1,  
 35 IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2, IC 3-10-2-15,  
 36 IC 3-10-4-2, IC 3-10-6, IC 3-10-7-26, IC 3-11-2-6, IC 3-11-13-11,  
 37 IC 3-11-14-3.5, IC 3-13-9-4.5, IC 6-9-2-3, IC 20-23-7-12, and  
 38 IC 36-4-1.5-2.

39 SECTION 29. IC 3-13-1-5.5 IS ADDED TO THE INDIANA CODE  
 40 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 41 1, 2014]: **Sec. 5.5. A candidate vacancy for a state board of**  
 42 **education office shall be filled by a caucus comprised of the**



1 **precinct committeemen of the political party whose precincts are**  
 2 **within the state board of education district (as defined in**  
 3 **IC 3-10-2-7.5).**

4 SECTION 30. IC 3-13-2-4.5 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 6 1, 2014]: **Sec. 4.5. A candidate vacancy for a state board of**  
 7 **education office shall be filled by a majority vote of the county**  
 8 **chairperson of the political party for all of the counties that have**  
 9 **territory in the state board of education district (as defined in**  
 10 **IC 3-10-2-7.5).**

11 SECTION 31. IC 3-13-4-4 IS ADDED TO THE INDIANA CODE  
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 13 1, 2014]: **Sec. 4. (a) This section applies to a vacancy that occurs in**  
 14 **a state board of education office.**

15 **(b) A state board of education member who wants to resign**  
 16 **from office must resign as provided in IC 5-8-3.5.**

17 **(c) A vacancy that occurs in a state board of education office**  
 18 **because of the death of a state board of education member may be**  
 19 **certified to the secretary of state under IC 5-8-6.**

20 **(d) A vacancy that occurs in a state board of education office**  
 21 **other than by resignation or death shall be certified by the circuit**  
 22 **court clerk of the county in which the member resided to the state**  
 23 **chairperson of the political party that elected or selected the person**  
 24 **who held the vacated seat.**

25 **(e) The vacancy shall be filled as provided under IC 3-13-5 for**  
 26 **vacancies in legislative offices.**

27 SECTION 32. IC 4-2-6-1, AS AMENDED BY P.L.114-2012,  
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2014]: **Sec. 1. (a) The following apply as used in this chapter,**  
 30 **and unless the context clearly denotes otherwise:**

31 (1) "Advisory body" means an authority, a board, a commission,  
 32 a committee, a task force, or other body designated by any name  
 33 of the executive department that is authorized only to make  
 34 nonbinding recommendations.

35 (2) "Agency" means an authority, a board, a branch, a bureau, a  
 36 commission, a committee, a council, a department, a division, an  
 37 office, a service, or other instrumentality of the executive,  
 38 including the administrative, department of state government. The  
 39 term includes a body corporate and politic set up as an  
 40 instrumentality of the state and a private, nonprofit, government  
 41 related corporation. The term does not include any of the  
 42 following:



- 1 (A) The judicial department of state government.  
 2 (B) The legislative department of state government.  
 3 (C) A state educational institution.  
 4 (D) A political subdivision.
- 5 (3) "Appointing authority" means the following:  
 6 (A) Except as provided in clause (B), the chief administrative  
 7 officer of an agency. The term does not include a state officer.  
 8 (B) For purposes of section 16 of this chapter, "appointing  
 9 authority" means:  
 10 (i) an elected officer;  
 11 (ii) the chief administrative officer of an agency; or  
 12 (iii) an individual or group of individuals who have the  
 13 power by law or by lawfully delegated authority to make  
 14 appointments.
- 15 (4) "Assist" means to:  
 16 (A) help;  
 17 (B) aid;  
 18 (C) advise; or  
 19 (D) furnish information to;  
 20 a person. The term includes an offer to do any of the actions in  
 21 clauses (A) through (D).
- 22 (5) "Business relationship" includes the following:  
 23 (A) Dealings of a person with an agency seeking, obtaining,  
 24 establishing, maintaining, or implementing:  
 25 (i) a pecuniary interest in a contract or purchase with the  
 26 agency; or  
 27 (ii) a license or permit requiring the exercise of judgment or  
 28 discretion by the agency.  
 29 (B) The relationship a lobbyist has with an agency.  
 30 (C) The relationship an unregistered lobbyist has with an  
 31 agency.
- 32 (6) "Commission" refers to the state ethics commission created  
 33 under section 2 of this chapter.
- 34 (7) "Compensation" means any money, thing of value, or financial  
 35 benefit conferred on, or received by, any person in return for  
 36 services rendered, or for services to be rendered, whether by that  
 37 person or another.
- 38 (8) "Direct line of supervision" means the chain of command in  
 39 which the superior affects, or has the authority to affect, the terms  
 40 and conditions of the subordinate's employment, including  
 41 making decisions about work assignments, compensation,  
 42 grievances, advancements, or performance evaluation.



- 1 (9) "Employee" means an individual, other than a state officer,  
 2 who is employed by an agency on a full-time, a part-time, a  
 3 temporary, an intermittent, or an hourly basis. The term includes  
 4 an individual who contracts with an agency for personal services.
- 5 (10) "Employer" means any person from whom a state officer or  
 6 employee or the officer's or employee's spouse received  
 7 compensation. For purposes of this chapter, a customer or client  
 8 of a self-employed individual in a sole proprietorship or a  
 9 professional practice is not considered to be an employer.
- 10 (11) "Financial interest" means an interest:  
 11 (A) in a purchase, sale, lease, contract, option, or other  
 12 transaction between an agency and any person; or  
 13 (B) involving property or services.
- 14 The term includes an interest arising from employment or  
 15 prospective employment for which negotiations have begun. The  
 16 term does not include an interest of a state officer or employee in  
 17 the common stock of a corporation unless the combined holdings  
 18 in the corporation of the state officer or the employee, that  
 19 individual's spouse, and that individual's unemancipated children  
 20 are more than one percent (1%) of the outstanding shares of the  
 21 common stock of the corporation. The term does not include an  
 22 interest that is not greater than the interest of the general public  
 23 or any state officer or any state employee.
- 24 (12) "Information of a confidential nature" means information:  
 25 (A) obtained by reason of the position or office held; and  
 26 (B) which:  
 27 (i) a public agency is prohibited from disclosing under  
 28 IC 5-14-3-4(a);  
 29 (ii) a public agency has the discretion not to disclose under  
 30 IC 5-14-3-4(b) and that the agency has not disclosed; or  
 31 (iii) is not in a public record, but if it were, would be  
 32 confidential.
- 33 (13) "Person" means any individual, proprietorship, partnership,  
 34 unincorporated association, trust, business trust, group, limited  
 35 liability company, or corporation, whether or not operated for  
 36 profit, or a governmental agency or political subdivision.
- 37 (14) "Political subdivision" means a county, city, town, township,  
 38 school district, municipal corporation, special taxing district, or  
 39 other local instrumentality. The term includes an officer of a  
 40 political subdivision.
- 41 (15) "Property" has the meaning set forth in IC 35-31.5-2-253.
- 42 (16) "Relative" means any of the following:





- 1 (A) A spouse.  
 2 (B) A parent or stepparent.  
 3 (C) A child or stepchild.  
 4 (D) A brother, sister, stepbrother, or stepsister.  
 5 (E) A niece or nephew.  
 6 (F) An aunt or uncle.  
 7 (G) A daughter-in-law or son-in-law.
- 8 For purposes of this subdivision, an adopted child of an individual  
 9 is treated as a natural child of the individual. For purposes of this  
 10 subdivision, the terms "brother" and "sister" include a brother or  
 11 sister by the half blood.
- 12 (17) "Represent" means to do any of the following on behalf of a  
 13 person:  
 14 (A) Attend an agency proceeding.  
 15 (B) Write a letter.  
 16 (C) Communicate with an employee of an agency.
- 17 (18) "Special state appointee" means a person who is:  
 18 (A) not a state officer or employee; and  
 19 (B) elected or appointed to an authority, a board, a  
 20 commission, a committee, a council, a task force, or other  
 21 body designated by any name that:  
 22 (i) is authorized by statute or executive order; and  
 23 (ii) functions in a policy or an advisory role in the executive  
 24 (including the administrative) department of state  
 25 government, including a separate body corporate and politic.
- 26 (19) "State officer" means any of the following:  
 27 (A) The governor.  
 28 (B) The lieutenant governor.  
 29 (C) The secretary of state.  
 30 (D) The auditor of state.  
 31 (E) The treasurer of state.  
 32 (F) The attorney general.  
 33 (G) The superintendent of public instruction.  
 34 **(H) An elected member of the state board of education.**
- 35 (20) The masculine gender includes the masculine and feminine.  
 36 (21) The singular form of any noun includes the plural wherever  
 37 appropriate.
- 38 (b) The definitions in IC 4-2-7 apply throughout this chapter.
- 39 SECTION 33. IC 4-2-6-8, AS AMENDED BY P.L.23-2011,  
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2014]: Sec. 8. (a) The following persons shall file a written  
 42 financial disclosure statement:



- 1 (1) The governor, lieutenant governor, secretary of state, auditor  
 2 of state, treasurer of state, attorney general, ~~and~~ state  
 3 superintendent of public instruction, **and an elected member of**  
 4 **the state board of education.**
- 5 (2) Any candidate for one (1) of the offices in subdivision (1) who  
 6 is not the holder of one (1) of those offices.
- 7 (3) Any person who is the appointing authority of an agency.
- 8 (4) The director of each division of the department of  
 9 administration.
- 10 (5) Any purchasing agent within the procurement division of the  
 11 department of administration.
- 12 (6) Any agency employee, special state appointee, former agency  
 13 employee, or former special state appointee with final purchasing  
 14 authority.
- 15 (7) The chief investment officer employed by the Indiana public  
 16 retirement system.
- 17 (8) Any employee of the Indiana public retirement system whose  
 18 duties include the recommendation, selection, and management  
 19 of:
- 20 (A) the investments of the funds administered by the Indiana  
 21 public retirement system;
- 22 (B) the investment options offered in the annuity savings  
 23 accounts in the public employees' retirement fund and the  
 24 Indiana state teachers' retirement fund;
- 25 (C) the investment options offered in the legislators' defined  
 26 contribution plan; or
- 27 (D) investment managers, investment advisors, and other  
 28 investment service providers of the Indiana public retirement  
 29 system.
- 30 (9) An employee required to do so by rule adopted by the  
 31 inspector general.
- 32 (b) The statement shall be filed with the inspector general as  
 33 follows:
- 34 (1) Not later than February 1 of every year, in the case of the state  
 35 officers and employees enumerated in subsection (a).
- 36 (2) If the individual has not previously filed under subdivision (1)  
 37 during the present calendar year and is filing as a candidate for a  
 38 state office listed in subsection (a)(1), before filing a declaration  
 39 of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of  
 40 nomination under IC 3-8-6, or declaration of intent to be a  
 41 write-in candidate under IC 3-8-2-2.5, or before a certificate of  
 42 nomination is filed under IC 3-8-7-8, in the case of a candidate for



1 one (1) of the state offices (unless the statement has already been  
2 filed when required under IC 3-8-4-11).

3 (3) Not later than sixty (60) days after employment or taking  
4 office, unless the previous employment or office required the  
5 filing of a statement under this section.

6 (4) Not later than thirty (30) days after leaving employment or  
7 office, unless the subsequent employment or office requires the  
8 filing of a statement under this section.

9 The statement must be made under affirmation.

10 (c) The statement shall set forth the following information for the  
11 preceding calendar year or, in the case of a state officer or employee  
12 who leaves office or employment, the period since a previous statement  
13 was filed:

14 (1) The name and address of any person known:

- 15 (A) to have a business relationship with the agency of the state  
16 officer or employee or the office sought by the candidate; and  
17 (B) from whom the state officer, candidate, or the employee,  
18 or that individual's spouse or unemancipated children received  
19 a gift or gifts having a total fair market value in excess of one  
20 hundred dollars (\$100).

21 (2) The location of all real property in which the state officer,  
22 candidate, or the employee or that individual's spouse or  
23 unemancipated children has an equitable or legal interest either  
24 amounting to five thousand dollars (\$5,000) or more or  
25 comprising ten percent (10%) of the state officer's, candidate's, or  
26 the employee's net worth or the net worth of that individual's  
27 spouse or unemancipated children. An individual's primary  
28 personal residence need not be listed, unless it also serves as  
29 income property.

30 (3) The names and the nature of the business of the employers of  
31 the state officer, candidate, or the employee and that individual's  
32 spouse.

33 (4) The following information about any sole proprietorship  
34 owned or professional practice operated by the state officer,  
35 candidate, or the employee or that individual's spouse:

- 36 (A) The name of the sole proprietorship or professional  
37 practice.  
38 (B) The nature of the business.  
39 (C) Whether any clients are known to have had a business  
40 relationship with the agency of the state officer or employee or  
41 the office sought by the candidate.  
42 (D) The name of any client or customer from whom the state



- 1 officer, candidate, employee, or that individual's spouse  
 2 received more than thirty-three percent (33%) of the state  
 3 officer's, candidate's, employee's, or that individual's spouse's  
 4 nonstate income in a year.
- 5 (5) The name of any partnership of which the state officer,  
 6 candidate, or the employee or that individual's spouse is a member  
 7 and the nature of the partnership's business.
- 8 (6) The name of any corporation (other than a church) of which  
 9 the state officer, candidate, or the employee or that individual's  
 10 spouse is an officer or a director and the nature of the  
 11 corporation's business.
- 12 (7) The name of any corporation in which the state officer,  
 13 candidate, or the employee or that individual's spouse or  
 14 unemancipated children own stock or stock options having a fair  
 15 market value in excess of ten thousand dollars (\$10,000).  
 16 However, if the stock is held in a blind trust, the name of the  
 17 administrator of the trust must be disclosed on the statement  
 18 instead of the name of the corporation. A time or demand deposit  
 19 in a financial institution or insurance policy need not be listed.
- 20 (8) The name and address of the most recent former employer.
- 21 (9) Additional information that the person making the disclosure  
 22 chooses to include.
- 23 Any such state officer, candidate, or employee may file an amended  
 24 statement upon discovery of additional information required to be  
 25 reported.
- 26 (d) A person who:
- 27 (1) fails to file a statement required by rule or this section in a  
 28 timely manner; or  
 29 (2) files a deficient statement;
- 30 upon a majority vote of the commission, is subject to a civil penalty at  
 31 a rate of not more than ten dollars (\$10) for each day the statement  
 32 remains delinquent or deficient. The maximum penalty under this  
 33 subsection is one thousand dollars (\$1,000).
- 34 (e) A person who intentionally or knowingly files a false statement  
 35 commits a Class A infraction.
- 36 SECTION 34. IC 5-8-3.5-1 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) An officer who  
 38 wants to resign shall give written notice of the officer's resignation as  
 39 follows:
- 40 (1) The governor and lieutenant governor shall notify the  
 41 principal clerk of the house of representatives and the principal  
 42 secretary of the senate to act in accordance with Article 5, Section



- 1 10 of the Constitution of the State of Indiana. The clerk and the  
 2 secretary shall file a copy of the notice with the office of the  
 3 secretary of state.
- 4 (2) A member of the general assembly shall notify the following,  
 5 whichever applies:
- 6 (A) A member of the senate shall notify the president pro  
 7 tempore of the senate.
- 8 (B) A member of the house of representatives shall notify the  
 9 speaker of the house of representatives.
- 10 (3) The following officers commissioned by the governor under  
 11 IC 4-3-1-5 shall notify the governor:
- 12 (A) An elector or alternate elector for President and Vice  
 13 President of the United States.
- 14 (B) The secretary of state, auditor of state, treasurer of state,  
 15 superintendent of public instruction, or attorney general.
- 16 (C) An officer elected by the general assembly, the senate, or  
 17 the house of representatives.
- 18 (D) A justice of the Indiana supreme court, judge of the  
 19 Indiana court of appeals, or judge of the Indiana tax court.
- 20 (E) A judge of a circuit, city, county, probate, superior, town,  
 21 or township small claims court.
- 22 (F) A prosecuting attorney.
- 23 (G) A circuit court clerk.
- 24 (H) A county auditor, county recorder, county treasurer,  
 25 county sheriff, county coroner, or county surveyor.
- 26 **(4) An elected member of the state board of education shall**  
 27 **notify the secretary of state.**
- 28 ~~(4)~~ **(5)** An officer of a political subdivision (as defined by  
 29 IC 36-1-2-13) other than an officer listed in subdivision (3) shall  
 30 notify the circuit court clerk of the county containing the largest  
 31 percentage of population of the political subdivision.
- 32 ~~(5)~~ **(6)** An officer not listed in subdivisions (1) through ~~(4)~~ **(5)**  
 33 shall notify the person or entity from whom the officer received  
 34 the officer's appointment.
- 35 (b) A person or an entity that receives notice of a resignation and  
 36 does not have the power to fill the vacancy created by the resignation  
 37 shall, not later than seventy-two (72) hours after receipt of the notice  
 38 of resignation, give notice of the vacancy to the person or entity that  
 39 has the power to:
- 40 (1) fill the vacancy; or  
 41 (2) call a caucus for the purpose of filling the vacancy.
- 42 SECTION 35. IC 5-8-6-2, AS ADDED BY P.L.119-2005,



1 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 2. As used in this chapter, "officeholder" refers to  
3 a person who holds a state office, **state board of education office**,  
4 legislative office, local office, or school board office (as those terms are  
5 defined in IC 3-5-2).

6 SECTION 36. IC 5-8-6-3, AS ADDED BY P.L.119-2005,  
7 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2014]: Sec. 3. (a) A person who knows of the death of an  
9 officeholder may certify the death to the following:

10 (1) The governor, in the case of the death of any of the following:

11 (A) An individual who holds a state office (as defined in  
12 IC 3-5-2-48).

13 (B) An individual who is a judge of a circuit, superior, probate,  
14 county, or city court.

15 (2) The secretary of state, in the case of the death of **either of the**  
16 **following:**

17 (A) An individual who holds a legislative office (as defined in  
18 IC-3-5-2-28).

19 (B) **An individual who holds a state board of education**  
20 **office (as defined in IC 3-5-2-47.8).**

21 (3) The circuit court clerk of the county in which the officeholder  
22 resided, in the case of the death of an officeholder of a county,  
23 city, town, township, or school corporation not covered under  
24 subdivision (1).

25 (b) A person who certifies the death of an officeholder shall:

26 (1) state the information that causes the person to believe the  
27 officeholder has died; and

28 (2) certify, under the penalties for perjury, that to the best of the  
29 person's knowledge and belief, the information stated is true.

30 SECTION 37. IC 5-8-6-5, AS ADDED BY P.L.119-2005,  
31 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2014]: Sec. 5. (a) When the secretary of state:

33 (1) obtains information concerning the death of an individual who  
34 holds:

35 (A) a legislative office (as defined in IC 3-5-2-28); **or**

36 (B) **a state board of education office (as defined in**  
37 **IC 3-5-2-47.8); and**

38 (2) is reasonably satisfied that the information described in  
39 subdivision (1) is true;

40 the secretary of state shall give notice of the death to the state chairman  
41 of the political party that elected or selected the deceased individual.

42 (b) The secretary of state shall give the notice required by



1 subsection (a) not later than seventy-two (72) hours after the  
2 requirements of subsection (a)(1) and (a)(2) are satisfied.

3 SECTION 38. IC 20-18-2-19, AS ADDED BY P.L.1-2005,  
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2014]: Sec. 19. "State board" refers to the Indiana state board  
6 of education established by IC 20-19-2-2 (**before January 1, 2017**)  
7 **and by IC 20-19-2-2.5 (after December 31, 2016).**

8 SECTION 39. IC 20-19-2-2, AS ADDED BY P.L.1-2005,  
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2014]: Sec. 2. (a) The Indiana state board of education is  
11 established. The state board consists of:

- 12 (1) the state superintendent; and
- 13 (2) ten (10) members appointed by the governor.

14 (b) The following provisions apply to members of the state board  
15 appointed by the governor:

- 16 (1) At least four (4) of the members must be actively employed in  
17 the schools in Indiana and hold a valid teaching license.
- 18 (2) At least one (1) member must be appointed from each  
19 congressional district in Indiana.
- 20 (3) Not more than six (6) members of the state board may be  
21 appointed from the membership of any one (1) political party.
- 22 (4) The term of office of a member begins on July 1. Except as  
23 provided in subdivision (5), the term of office of a member is four  
24 (4) years.
- 25 (5) The governor may dismiss a member for just cause.
- 26 (6) The governor may appoint a member to fill a vacancy  
27 occurring on the state board. A member appointed under this  
28 subdivision serves for the remainder of the unexpired term.

29 (c) A quorum consists of six (6) members of the state board. An  
30 action of the state board is not official unless the action is authorized  
31 by at least six (6) members.

32 (d) The state superintendent serves as chairperson of the state board.

33 **(e) This section expires January 1, 2017.**

34 SECTION 40. IC 20-19-2-2.5 IS ADDED TO THE INDIANA  
35 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
36 **[EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) This section applies after**  
37 **December 31, 2016.**

38 **(b) The Indiana state board of education is established. The**  
39 **state board consists of:**

- 40 **(1) the state superintendent;**
- 41 **(2) nine (9) members, with one (1) member elected from each**  
42 **Indiana congressional district as provided in section 2.6 of this**



1 chapter; and  
 2 (3) three (3) members appointed by the state superintendent  
 3 as provided in section 2.8 of this chapter.

4 (c) A quorum consists of seven (7) members of the state board.  
 5 An action of the state board is not official unless the action is  
 6 authorized by at least seven (7) members.

7 (d) The state superintendent serves as chairperson of the state  
 8 board.

9 SECTION 41. IC 20-19-2-2.6 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2014]: Sec. 2.6. (a) This section applies to  
 12 members of the state board described in section 2.5(b)(2) of this  
 13 chapter.

14 (b) The members shall be elected as provided in IC 3-10-2-7.5.

15 (c) One (1) member shall be elected from each Indiana  
 16 congressional district. A member must reside in the district from  
 17 which the member is elected.

18 (d) Except as provided in IC 3-10-2-7.5(c)(2), the term of office  
 19 of a member is four (4) years.

20 (e) The term of office of a member begins on January 1 after  
 21 election and continues until a successor is elected and qualified.

22 SECTION 42. IC 20-19-2-2.8 IS ADDED TO THE INDIANA  
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2014]: Sec. 2.8. (a) This section applies to  
 25 members of the state board described in section 2.5(b)(3) of this  
 26 chapter.

27 (b) The state superintendent shall appoint the following three (3)  
 28 members of the state board from lists submitted as provided in  
 29 subsection (c):

30 (1) One (1) member who is a teacher.

31 (2) One (1) member who is a principal.

32 (3) One (1) member who is a school superintendent.

33 (c) The leaders of each political party in the general assembly,  
 34 from both the senate and the house of representatives, shall jointly  
 35 nominate as their party's candidates five (5) individuals for each of  
 36 the categories listed in subsection (b). Each party shall submit the  
 37 party's lists to the state superintendent. Lists of nominees for the  
 38 initial appointments to the state board must be submitted not later  
 39 than January 1, 2017.

40 (d) The state superintendent shall appoint one (1) member to the  
 41 state board in each of the categories listed in subsection (b) from  
 42 the lists submitted by each political party. The state superintendent





1 shall make the initial appointments to the state board under this  
2 subsection not later than January 15, 2017.

3 (e) Not more than two (2) members of the state board appointed  
4 by the state superintendent may be members of the same political  
5 party.

6 (f) The individuals nominated under subsection (c) must be  
7 actively employed in schools in Indiana and hold a valid teaching  
8 license.

9 (g) The members of the state board appointed under this section  
10 serve at the pleasure of the state superintendent.

11 SECTION 43. IC 20-19-2-7, AS AMENDED BY P.L.73-2011,  
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2014]: Sec. 7. (a) **This subsection applies before January 1,  
14 2017.** Each member of the state board who is not an officer or  
15 employee of the state is entitled to an annual salary of two thousand  
16 dollars (\$2,000).

17 (b) **This subsection applies after December 31, 2016. Each  
18 member of the state board, except the state superintendent or an  
19 employee of the state, is entitled to an annual salary of two  
20 thousand dollars (\$2,000).**

21 ~~(b)~~ (c) Each member of the state board is entitled to reimbursement  
22 for traveling expenses and other expenses actually incurred in  
23 connection with the member's duties, as provided in the state travel  
24 policies and procedures established by the Indiana department of  
25 administration and approved by the budget agency. The compensation  
26 of members employed in the public schools may not be decreased  
27 because of regular service on the state board.

28 SECTION 44. IC 20-19-2-21 IS ADDED TO THE INDIANA  
29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2014]: Sec. 21. (a) **All powers, duties,  
31 liabilities, property, equipment, records, rights, and contracts of  
32 the state board established by IC 20-19-2-2 are transferred to or  
33 assumed by the state board established by IC 20-19-2-2.5 on  
34 January 1, 2017.**

35 (b) **The state board established by IC 20-19-2-2.5 shall provide  
36 indemnification of the state board established by IC 20-19-2-2 as  
37 necessary or appropriate in regard to any liabilities of the state  
38 board established by IC 20-19-2-2 assumed by the state board  
39 established by IC 20-19-2-2.5.**

40 (c) **Rules of the state board established by IC 20-19-2-2 in effect  
41 before January 1, 2017, are considered, after December 31, 2016,  
42 rules of the state board established by IC 20-19-2-2.5.**



1 SECTION 45. IC 34-29-2-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following  
3 persons are privileged from arrest on civil process, and from obeying  
4 any subpoena to testify:

5 (1) All officers of the general assembly during their attendance,  
6 at the general assembly and during the time they are going to, and  
7 returning from the place of meeting, not to exceed one (1) day for  
8 every twenty-five (25) miles of the usually traveled route.

9 (2) All voters during attendance at, going to, and returning from  
10 elections.

11 (3) Members of the board of county commissioners, during the  
12 session of their board, and while going to and returning from the  
13 session of the board.

14 (4) Justices, while engaged in hearing or determining any trial.

15 (5) All persons while engaged in necessary attendance at a court  
16 and in going to and returning from the court.

17 (6) The governor, treasurer of state, secretary of state, auditor of  
18 state, and superintendent of public instruction.

19 **(7) This subdivision applies after December 31, 2016. Elected**  
20 **members of the state board of education, during a meeting of**  
21 **the state board, and while going to and returning from a**  
22 **meeting of the state board.**

23 ~~(7)~~ **(8)** All persons while actually engaged in the discharge of  
24 military duty.

