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**FISCAL IMPACT STATEMENT**

**LS 7716**  
**BILL NUMBER: HB 1703**

**NOTE PREPARED:** Feb 16, 2005  
**BILL AMENDED:** Feb 15, 2005

**SUBJECT:** Selection of Superior Court Judges.

**FIRST AUTHOR:** Rep. Murphy  
**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**      **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A. It provides that if: (1) a majority of county commissioners vote for the public to vote on a public question whether superior court judges in the county should be elected in a nonpartisan election; and (2) the voters approve this public question; a superior court judge in that county shall be elected in a nonpartisan election and then is subject to a retention vote every six years.
- B. It provides that if a superior court judge is in office and the public question concerning nonpartisan election of judges is approved, the superior court judge is subject to a retention vote.
- C. It limits the amount of money a person may contribute to: (1) a judicial candidate to \$50; and (2) all judicial candidates to \$200; in a two-year period.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) Any additional cost to counties will depend on whether a special election is needed for a voter referendum on the election method of judges. If a referendum on judicial elections is included at the general election, then any added expenditures should be minimal.

Under current law, superior court judges are selected in one of the following methods.

Method of Selection	Counties Affected	Number of Judges Affected
Nominating Commission	Allen, Lake, St. Joseph Counties	33
Nonpartisan Elections	Vanderburgh County	7
Partisan Nomination Elections	Marion County	33
Partisan Elections	All other counties in Indiana	<u>122</u>
Total Judges		<u>195</u>
Source: 2003 Indiana Judicial Report		

As proposed by this bill, all judges of all superior courts would be required to be selected through a nonpartisan election as is the method in Vanderburgh County *if* the majority of county commissioners determines that a referendum is needed to decide whether a judge of the superior court shall be elected in a nonpartisan election and *if* the outcome of a voter referendum requires a nonpartisan election. If either of these conditions does not occur, no change would occur in the method of selection in that county.

Any additional cost to counties will depend on whether the referendum is included in a special or general election. The next general election is scheduled for November 2006. If a referendum is placed on the ballot at that election, and the outcome is in favor of the election, then in the next election, the incumbent judge will be subject to a retention vote.

**Explanation of Local Revenues:**

**State Agencies Affected:** Office of the Governor; Chief Justice of the Indiana Supreme Court.

**Local Agencies Affected:** Counties.

**Information Sources:** Jane Siegel, Executive Director, Indiana Judicial Center, *2003 Indiana Judicial Report*.

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