HOUSE BILL No. 1703

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DIGEST OF HB 1703 (Updated February 15, 2005 4:18 pm - DI 107)

Citations Affected: IC 3-9; IC 33-23; IC 33-29; IC 33-33; noncode.

Synopsis: Superior court judges. 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. 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. 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: July 1, 2005.

Murphy

January 19, 2005, read first time and referred to Committee on Judiciary.
February 15, 2005, amended, reported — Do Pass.

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HOUSE BILL No. 1703

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1 Whereas, An electoral system for selecting superior courts judges
2 has worked well in Indiana.
3 Whereas, Citizens prefer to elect superior court judges rather than
4 having judges selected by nomination or other means.
5 Whereas, The electoral system for selecting superior court judges
6 has resulted in a more diverse bench in Marion County than when
7 superior court judges were nominated.
8 Whereas, A nonpartisan electoral process ensures that participation
9 in political party activities is not a qualification for holding judicial
10 office.
11 Whereas, judicial candidates should not be soliciting substantial
12 financial contributions from lawyers and other individuals.
13 Whereas, the reasons for having a nonpartisan electoral process with
14 restrictions on campaign contributions apply equally to all counties:
15 Therefore,
16 SECTION 1. IC 3-9-2-14 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2005]: **Sec. 14. (a) The limitations in this section are in addition to any other limitation imposed by law.**

(b) As used in this section, "office" refers to a local office of judge of a circuit, superior, probate, county, or small claims court.

(c) During any two (2) year period beginning after December 31, 2005, a person may not make total contributions exceeding fifty dollars ($50), in total, to:

(1) one (1) candidate; and

(2) one (1) candidate's committee;

for an office.

(d) During any two (2) year period beginning after December 31, 2005, a person may not make total contributions exceeding two hundred dollars ($200), in total, to:

(1) all candidates; and

(2) all candidates' committees;

for an office.

SECTION 2. IC 33-23-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. "Commission on judicial qualifications" ~~except as used in IC 33-33-71,~~ means the commission described in Article 7, Section 9 of the Constitution of the State of Indiana.

SECTION 3. IC 33-23-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. "Judicial nominating commission", except as used in IC 33-33-2, ~~IC 33-33-45, and~~ ~~IC 33-33-71,~~ means the commission described in Article 7, Section 9 of the Constitution of the State of Indiana.

SECTION 4. IC 33-29-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A standard superior court judge is elected at the general election every six (6) years in the county in which the court is located **as provided in IC 33-29-7.**

(b) Subsections (c) through (d) apply only to a county if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

~~(b)~~ **(d)** To be eligible to hold office as a judge of a standard superior court, a person must be:

(1) a resident of the county in which the court is located;

(2) less than seventy (70) years of age at the time the judge takes office; and

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1 (3) admitted to practice law in Indiana.
2   SECTION 5. IC 33-29-7 IS ADDED TO THE INDIANA CODE AS
3 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2005]:
5 **Chapter 7. Election of Superior Court Judges**
6   **Sec. 1. (a) A judge of a superior court established under**
7 **IC 33-33 shall be initially elected in a nonpartisan election and is**
8 **subject to a retention vote every six (6) years as provided in this**
9 **chapter, if:**
10   **(1) a majority of the board of county commissioners votes to**
11   **have the voters of the county vote on a public question to**
12   **determine whether a judge of a superior court shall be elected**
13   **in a nonpartisan election; and**
14   **(2) a public question on whether a judge of a superior court**
15   **shall be elected in a nonpartisan election is voted upon by the**
16   **voters of the county in which the superior court is located,**
17   **and the outcome requires an election.**
18   **(b) A judge's term begins January 1 following the election and**
19 **ends December 31 following the election of the judge's successor.**
20   **Sec. 2. During the period under IC 3-8-2-4 in which a**
21 **declaration of candidacy may be filed for a primary election, a**
22 **person desiring to become a candidate for a superior court**
23 **judgeship must file with the election division a declaration of**
24 **candidacy adapted from the form prescribed under IC 3-8-2 signed**
25 **by the candidate and designating which judgeship the candidate**
26 **seeks. A petition without the designation shall be rejected by the**
27 **election division (or by the Indiana election commission under**
28 **IC 3-8-1-2).**
29   **Sec. 3. To be eligible for election, a candidate must be:**
30   **(1) domiciled in:**
31   **(A) the county in which the superior court is located; or**
32   **(B) for the Ohio and Switzerland superior court, Ohio**
33   **County or Switzerland County;**
34   **(2) a citizen of the United States; and**
35   **(3) admitted to the practice of law in Indiana.**
36   **Sec. 4. If an individual who files a declaration under section 2 of**
37 **this chapter ceases to be a candidate after the final date for filing**
38 **a declaration under section 2 of this chapter, the election division**
39 **may accept the filing of additional declarations of candidacy for**
40 **that judgeship not later than noon August 1.**
41   **Sec. 5. All candidates for each respective judgeship shall be**
42 **listed on the general election ballot in the form prescribed by**

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1 **IC 3-11-2 and without party designation. The candidate receiving**
2 **the highest number of votes for each judgeship shall be elected to**
3 **that office.**
4   **Sec. 6. IC 3, where not inconsistent with this chapter, applies to**
5 **elections under this chapter.**
6   SECTION 6. IC 33-33-2-8 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The Allen
8 superior court consists of nine (9) judges as follows:
9   (1) Two (2) judges serve in the family relations division.
10   (2) Three (3) judges serve in the criminal division.
11   (3) Four (4) judges serve in the civil division.
12 A newly elected or appointed judge assumes the division assignment
13 of the judge whom the judge replaces.
14   (b) If in the opinion of a majority of the judges there is an undue
15 disparity in the number of cases in any division, the chief judge may
16 assign specific cases normally assigned to that division to a judge in
17 another division as directed by a majority of the judges.
18   (c) **Subsections (d) through (f) apply only if the voters of the**
19 **county have not approved a public question on whether a judge of**
20 **a superior court shall be elected in a nonpartisan election under**
21 **IC 33-29-7.**
22   **(d)** During the period under IC 3-8-2-4 in which a declaration of
23 candidacy may be filed for a primary election, any person desiring to
24 become a candidate for one (1) of the Allen superior court judgeships
25 must file with the election division a declaration of candidacy adapted
26 from the form prescribed under IC 3-8-2 that:
27   (1) is signed by the candidate; and
28   (2) designates the division and the name of the incumbent judge
29   of the judgeship that the candidate seeks.
30   ~~(d)~~ **(e)** A petition without the designation required under subsection
31 (c) shall be rejected by the election division (or by the Indiana election
32 commission under IC 3-8-1-2).
33   ~~(e)~~ **(f)** If an individual who files a declaration under subsection (c)
34 ceases to be a candidate after the final date for filing a declaration
35 under subsection (c), the election division may accept the filing of
36 additional declarations of candidacy for that seat not later than noon on
37 August 1.
38   SECTION 7. IC 33-33-10-3 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There are
40 established three (3) superior courts in Clark County, each of which
41 consists of one (1) judge.
42   **(b) Subsections (c) through (d) apply only if the voters of the**

1 **county have not approved a public question on whether a judge of**
2 **a superior court shall be elected in a nonpartisan election under**
3 **IC 33-29-7.**
4 **(c)** ~~who~~ **A judge under subsection (a)** shall hold the judge's office
5 for a term of six (6) years, beginning on the first day of January after
6 the judge's election, and until the judge's successor is elected and
7 qualified.
8 ~~(b)~~ **(d)** To be eligible to hold office as a judge of Clark superior
9 court, a person must be:
10 (1) a resident of Clark County; and
11 (2) admitted to the bar of Indiana.
12 SECTION 8. IC 33-33-27.3-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The court has one
14 (1) judge.
15 **(b) Subsections (c) through (d) apply only if the voters of the**
16 **county have not approved a public question on whether a judge of**
17 **a superior court shall be elected in a nonpartisan election under**
18 **IC 33-29-7.**
19 **(c) A judge described under subsection (a)** ~~who~~ shall be elected
20 at the general election every six (6) years in Grant County. The judge's
21 term begins January 1 following the election and ends December 31
22 following the election of the judge's successor.
23 ~~(b)~~ **(d)** To be eligible to hold office as a judge of the court, a person
24 must be:
25 (1) a resident of Grant County;
26 (2) less than seventy (70) years of age at the time of taking office;
27 and
28 (3) admitted to the practice of law in Indiana.
29 SECTION 9. IC 33-33-45-26 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. **(a)** The superior
31 court of Lake County consists of sixteen (16) judges plus the Lake
32 circuit court judge if the circuit court judge chooses to sit on the
33 superior court of Lake County.
34 **(b) A superior court judge is elected as provided in IC 33-29-7**
35 **if the voters of the county have not approved a public question on**
36 **whether a judge of a superior court shall be elected in a**
37 **nonpartisan election under IC 33-29-7.**
38 SECTION 10. IC 33-33-46-3 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~IC 33-29-1-3~~
40 ~~does not apply to this section.~~
41 ~~(b)~~ **(a)** Each LaPorte superior court has one (1) judge.
42 **(b) Subsections (c) through (e) apply only if the voters of the**

county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) IC 33-29-1-3 does not apply to this section.

(d) A judge under subsection (a) ~~who~~ shall be elected at the general election every six (6) years in LaPorte County. Each judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

~~(c)~~ (e) To be eligible to hold office as judge of any of the courts, a person must:

(1) be a resident of LaPorte County; and

(2) be admitted to the bar of Indiana.

SECTION 11. IC 33-33-49-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) ~~Each judge of the court shall be elected for a term of six (6) years that begins January 1 after the year of the judge's election and continues through December 31 in the sixth year. The judge shall hold office for the six (6) year term or until the judge's successor is elected and qualified.~~ A candidate for judge shall run at large for the office of judge of the court and not as a candidate for judge of a particular room or division of the court.

(b) Subsections (c) through (f) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) Each judge of the court shall be elected for a term of six (6) years that begin January 1, after the year of the judge's election and continues through December 31, in the sixth year.

~~(b)~~ (d) Beginning with the primary election held in 2000 and every six (6) years thereafter, a political party may nominate not more than nine (9) candidates for judge of the court. The candidates shall be voted on at the general election. Other candidates may qualify under IC 3-8-6 to be voted on at the general election.

~~(c)~~ (e) The names of the party candidates nominated and properly certified to the Marion County election board, along with the names of other candidates who have qualified, shall be placed on the ballot at the general election in the form prescribed by IC 3-11-2. Beginning with the 2000 general election and every six (6) years thereafter, persons eligible to vote at the general election may vote for seventeen (17) candidates for judge of the court.

~~(d)~~ (f) The candidates for judge of the court receiving the highest number of votes shall be elected to the vacancies. The names of the candidates elected as judges of the court shall be certified to the county

1   election board as provided by law.

2   SECTION 12. IC 33-33-56-3 IS AMENDED TO READ AS

3   FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~IC 33-29-1-3~~

4   ~~does not apply to this section.~~

5   ~~(b)~~ The Newton superior court has one (1) judge.

6   **(b) Subsections (c) through (d) apply only if the voters of the**

7   **county have not approved a public question on whether a judge of**

8   **a superior court shall be elected in a nonpartisan election under**

9   **IC 33-29-7.**

10   **(c)** ~~who~~ **A judge described in subsection (a)** shall be elected at the

11   general election every six (6) years in Newton County. The judge's term

12   begins January 1 following the judge's election and ends December 31

13   following the election of the judge's successor.

14   ~~(c)~~ **(d)** To be eligible to hold office as judge of the Newton superior

15   court, a person must:

16   (1) be a resident of Newton County; and

17   (2) be admitted to the bar of Indiana.

18   SECTION 13. IC 33-33-67-3 IS AMENDED TO READ AS

19   FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~IC 33-29-1-3~~

20   ~~does not apply to this section.~~

21   ~~(b)~~ The Putnam superior court has one (1) judge.

22   **(b) Subsections (c) through (d) apply only if the voters of the**

23   **county have not approved a public question on whether a judge of**

24   **a superior court shall be elected in a nonpartisan election under**

25   **IC 33-29-7.**

26   **(c)** ~~who~~ **A judge described in subsection (a)** shall be elected at the

27   general election every six (6) years in Putnam County. The judge's term

28   begins January 1 following the election and ends December 31

29   following the election of the judge's successor.

30   ~~(c)~~ **(d)** To be eligible to hold office as a judge of the court, a person

31   must be:

32   (1) a resident of Putnam County; and

33   (2) admitted to the practice of law in Indiana.

34   SECTION 14. IC 33-33-71-5 IS AMENDED TO READ AS

35   FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a)** There is

36   established a superior court in St. Joseph County. The court consists of

37   eight (8) judges

38   **(b) If the voters of the county have approved a public question**

39   **on whether a judge of a superior court shall be elected in a**

40   **nonpartisan election under IC 33-29-7, a judge described in**

41   **subsection (a) shall be elected as provided in IC 33-29-7.**

42   SECTION 15. IC 33-33-79.3-3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The court has one
(1) judge.

(b) Subsections (c) through (d) apply only if the voters of the
county have not approved a public question on whether a judge of
a superior court shall be elected in a nonpartisan election under
IC 33-29-7.

(c) ~~who~~ **A judge described in subsection (a)** shall be elected at the
general election every six (6) years in Tippecanoe County. The judge's
term begins January 1 following the election and ends December 31
following the election of the judge's successor.

~~(b)~~ **(d)** To be eligible to hold office as judge of the court, a person
must:

(1) be a resident of Tippecanoe County;

(2) be less than seventy (70) years of age at the time of taking
office; and

(3) be admitted to the bar of Indiana.

SECTION 16. IC 33-33-79.4-3 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Tippecanoe
superior court No. 4, No. 5, and No. 6 each has one (1) judge.

(b) Subsections (c) through (d) apply only if the voters of the
county have not approved a public question on whether a judge of
a superior court shall be elected in a nonpartisan election under
IC 33-29-7.

(c) ~~who~~ **A judge described in subsection (a)** shall be elected at the
general election every six (6) years in Tippecanoe County. The judge's
term begins January 1 following the election and ends December 31
following the election of the judge's successor.

~~(b)~~ **(d)** To be eligible to hold office as judge of the court, a person
must be:

(1) a resident of Tippecanoe County;

(2) less than seventy (70) years of age at the time of taking office;
and

(3) admitted to the bar of Indiana.

SECTION 17. IC 33-33-82-31 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 31. (a) The judge of the
Vanderburgh circuit ~~court and each of the seven (7) judges of the~~
~~Vanderburgh superior court~~ shall be elected in nonpartisan elections
every six (6) years.

(b) During the period under IC 3-8-2-4 in which a declaration of
candidacy may be filed for a primary election, any person desiring to
become a candidate for ~~any one (1) of the eight (8) judgeships affected~~
~~by this chapter~~ **the circuit court judgeship** shall file with the election

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division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and designated which judgeship the candidate seeks. Any petition without the designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

    (1) domiciled in the county of Vanderburgh;

    (2) a citizen of the United States; and

    (3) admitted to the practice of law in Indiana.

  (c) If an individual who files a declaration under subsection (b) ceases to be a candidate after the final date for filing a declaration under subsection (b), the election division may accept the filing of additional declarations of candidacy for that judgeship not later than noon August 1.

  (d) All candidates for ~~each respective~~ **the** judgeship shall be listed on the general election ballot in the form prescribed by IC 3-11-2, without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

  (e) IC 3, where not inconsistent with this chapter, applies to elections under this chapter.

  (f) Subsections (g) through (k) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7. If voters of the county have approved the public question under IC 33-29-7, subsections (a) through (e) apply.

  (g) The judge of the Vanderburgh circuit court and each of the seven (7) judges of the Vanderburgh superior court shall be elected in nonpartisan elections every six (6) years.

  (h) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for any one (1) of the eight (8) judgeships affected by this chapter shall file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and designated which judgeship the candidate seeks. Any petition without the designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

    (1) domiciled in the county of Vanderburgh;

    (2) a citizen of the United States; and

    (3) admitted to the practice of law in Indiana.

  (i) If an individual who files a declaration under subsection (b)

1　**ceases to be a candidate after the final date for filing a declaration**
2　**under subsection (b), the election division may accept the filing of**
3　**additional declarations of candidacy for that judgeship not later**
4　**than noon August 1.**
5　　**(j) All candidates for each respective judgeship shall be listed on**
6　**the general election ballot in the form prescribed by IC 3-11-2,**
7　**without party designation. The candidate receiving the highest**
8　**number of votes for each judgeship shall be elected to that office.**
9　　**(k) IC 3, where not inconsistent with this chapter, applies to**
10　**elections under this chapter.**
11　　SECTION 18. IC 33-33-89.3-3 IS AMENDED TO READ AS
12　FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The court has one
13　(1) judge.
14　　**(b) Subsections (c) through (f) apply only if the voters of the**
15　**county have not approved a public question on whether a judge of**
16　**a superior court shall be elected in a nonpartisan election under**
17　**IC 33-29-7.**
18　　**(c)** ~~who~~ **A judge described in subsection (a)** shall be elected at the
19　general election every six (6) years in Wayne County. The judge's term
20　begins January 1 following the judge's election and ends December 31
21　following the election of the judge's successor.
22　　~~(b)~~ **(d)** To be eligible to hold office as judge of the court, a person
23　must:
24　　　(1) be a resident of Wayne County;
25　　　(2) be less than seventy (70) years of age at the time the person
26　　　takes office;
27　　　(3) be admitted to the bar of Indiana; and
28　　　(4) have practiced law at least five (5) years.
29　　SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE
30　JULY 1, 2005]: IC 33-33-2-9; IC 33-33-2-10; IC 33-33-45-25;
31　IC 33-33-45-26; IC 33-33-45-27; IC 33-33-45-28; IC 33-33-45-29;
32　IC 33-33-45-30; IC 33-33-45-31; IC 33-33-45-32; IC 33-33-45-33;
33　IC 33-33-45-34; IC 33-33-45-35; IC 33-33-45-36; IC 33-33-45-37;
34　IC 33-33-45-38; IC 33-33-45-39; IC 33-33-45-40; IC 33-33-45-41;
35　IC 33-33-45-42; IC 33-33-45-43; IC 33-33-45-44; IC 33-33-71-29;
36　IC 33-33-71-30; IC 33-33-71-31; IC 33-33-71-32; IC 33-33-71-33;
37　IC 33-33-71-34; IC 33-33-71-35; IC 33-33-71-36; IC 33-33-71-37;
38　IC 33-33-71-38; IC 33-33-71-39; IC 33-33-71-40; IC 33-33-71-41;
39　IC 33-33-71-42; IC 33-33-71-43; IC 33-33-71-44; IC 33-33-71-45;
40　IC 33-33-71-46; IC 33-33-71-47; IC 33-33-71-48; IC 33-33-71-49;
41　IC 33-33-71-50; IC 33-33-71-51; IC 33-33-71-52; IC 33-33-71-53;
42　IC 33-33-71-54; IC 33-33-71-55; IC 33-33-71-56; IC 33-33-71-57;

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1   IC 33-33-71-58; IC 33-33-71-59; IC 33-33-71-60; IC 33-33-71-61;

2   IC 33-33-71-62; IC 33-33-71-63; IC 33-33-71-64; IC 33-33-71-65;

3   IC 33-33-71-66; IC 33-33-71-67; IC 33-33-71-68; IC 34-46-2-30.4.

4   SECTION 20. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding**

5   **the amendment and repeal by this act of provisions in IC 33, the**

6   **term of a superior court judge elected or appointed under IC 33 in**

7   **office on June 30, 2005, does not terminate until the date that the**

8   **judge's term would have terminated under the law in effect on**

9   **June 30, 2005.**

10   **(b) The initial election of a superior court judge described in**

11   **subsection (a) under IC 33-29-7, as added by this act, is the general**

12   **election immediately preceding the date on which the term of the**

13   **judge would have terminated under the law in effect on June 30,**

14   **2005, if a public question on whether a judge of a superior court**

15   **shall be elected in a nonpartisan election is voted upon by the**

16   **voters of the county in which the superior court is located, and the**

17   **outcome requires an election.**

18   **(c) If:**

19   **(1) a superior court judge is in office; and**

20   **(2) a public question on whether a judge of a superior court**

21   **shall be elected in a nonpartisan election is voted upon by the**

22   **voters of the county in which the superior court is located,**

23   **and the outcome requires an election;**

24   **the superior court judge who is in office at the time of the vote is**

25   **subject to a retention vote and not a partisan or nonpartisan**

26   **election.**

27   **(d) This SECTION expires January 2, 2011.**

28   SECTION 21. [EFFECTIVE JULY 1, 2005] **Notwithstanding**

29   **SECTION 19 of this act, the statutes repealed in SECTION 19 of**

30   **this act, as those statutes are in effect on June 30, 2005, continue to**

31   **apply to a county unless the voters of the county have approved a**

32   **public question on whether a judge of a superior court shall be**

33   **elected in a nonpartisan election under IC 33-29-7.**

34   SECTION 22. [EFFECTIVE JULY 1, 2005] **(a) The legislative**

35   **services agency shall prepare legislation for introduction in the**

36   **2006 regular session of the general assembly to organize and**

37   **correct statutes affected by the requirement that all superior court**

38   **judges be elected and the requirement that public questions on the**

39   **election of superior court judges be placed on the ballot as**

40   **provided in IC 33-29-7, as added by this act.**

41   **(b) This SECTION expires July 1, 2006.**

MINORITY COMMITTEE REPORT

Mr. Speaker: A minority of your Committee on Judiciary, which met on February 7, 2005, to consider House Bill 1703, 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 title and the enacting clause, begin a new paragraph and insert:

"Whereas, An electoral system for selecting superior courts judges has worked well in Indiana.

Whereas, Citizens prefer to elect superior court judges rather than having judges selected by nomination or other means.

Whereas, The electoral system for selecting superior court judges has resulted in a more diverse bench in Marion County than when superior court judges were nominated.

Whereas, A nonpartisan electoral process ensures that participation in political party activities is not a qualification for holding judicial office.

Whereas, judicial candidates should not be soliciting substantial financial contributions from lawyers and other individuals.

Whereas, the reasons for having a nonpartisan electoral process with restrictions on campaign contributions apply equally to all counties: Therefore,".

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1703 as introduced.)

ORENTLICHER

HB 1703—LS 7716/DI 69+