

Adopted	Rejected
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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:*

- 1 Page 1, between the title and the enacting clause, begin a new
- 2 paragraph and insert:
- 3 "Whereas, An electoral system for selecting superior courts judges
- 4 has worked well in Indiana.
- 5 Whereas, Citizens prefer to elect superior court judges rather than
- 6 having judges selected by nomination or other means.
- 7 Whereas, The electoral system for selecting superior court judges
- 8 has resulted in a more diverse bench in Marion County than when
- 9 superior court judges were nominated.
- 10 Whereas, A nonpartisan electoral process ensures that participation
- 11 in political party activities is not a qualification for holding judicial
- 12 office.
- 13 Whereas, judicial candidates should not be soliciting substantial
- 14 financial contributions from lawyers and other individuals.
- 15 Whereas, the reasons for having a nonpartisan electoral process
- 16 with restrictions on campaign contributions apply equally to all

1 counties: Therefore,".

2 Delete everything after the enacting clause and insert the
3 following:

4 SECTION 1. IC 3-9-2-14 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2005]: **Sec. 14. (a) The limitations in this section are in
7 addition to any other limitation imposed by law.**

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

10 **(c) During any two (2) year period beginning after December
11 31, 2005, a person may not make total contributions exceeding fifty
12 dollars (\$50), in total, to:**

- 13 **(1) one (1) candidate; and**
14 **(2) one (1) candidate's committee;**
15 **for an office.**

16 **(d) During any two (2) year period beginning after December
17 31, 2005, a person may not make total contributions exceeding two
18 hundred dollars (\$200), in total, to:**

- 19 **(1) all candidates; and**
20 **(2) all candidates' committees;**
21 **for an office.**

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

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

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

36 **(b) Subsections (c) through (d) apply only to a county if the
37 voters of the county have not approved a public question on
38 whether a judge of a superior court shall be elected in a**

1 **nonpartisan election under IC 33-29-7.**

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

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

- 6 (1) a resident of the county in which the court is located;
7 (2) less than seventy (70) years of age at the time the judge takes
8 office; and
9 (3) admitted to practice law in Indiana.

10 SECTION 5. IC 33-29-7 IS ADDED TO THE INDIANA CODE
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2005]:

13 **Chapter 7. Election of Superior Court Judges**

14 **Sec. 1. (a) A judge of a superior court established under**
15 **IC 33-33 shall be initially elected in a nonpartisan election and is**
16 **subject to a retention vote every six (6) years as provided in this**
17 **chapter, if:**

- 18 (1) a majority of the board of county commissioners votes to
19 have the voters of the county vote on a public question to
20 determine whether a judge of a superior court shall be
21 elected in a nonpartisan election; and
22 (2) a public question on whether a judge of a superior court
23 shall be elected in a nonpartisan election is voted upon by the
24 voters of the county in which the superior court is located,
25 and the outcome requires an election.

26 (b) A judge's term begins January 1 following the election and
27 ends December 31 following the election of the judge's successor.

28 **Sec. 2. During the period under IC 3-8-2-4 in which a**
29 **declaration of candidacy may be filed for a primary election, a**
30 **person desiring to become a candidate for a superior court**
31 **judgeship must file with the election division a declaration of**
32 **candidacy adapted from the form prescribed under IC 3-8-2 signed**
33 **by the candidate and designating which judgeship the candidate**
34 **seeks. A petition without the designation shall be rejected by the**
35 **election division (or by the Indiana election commission under**
36 **IC 3-8-1-2).**

37 **Sec. 3. To be eligible for election, a candidate must be:**

- 38 (1) domiciled in:

- 1 (A) the county in which the superior court is located; or
 2 (B) for the Ohio and Switzerland superior court, Ohio
 3 County or Switzerland County;
 4 (2) a citizen of the United States; and
 5 (3) admitted to the practice of law in Indiana.

6 **Sec. 4. If an individual who files a declaration under section 2**
 7 **of this chapter ceases to be a candidate after the final date for filing**
 8 **a declaration under section 2 of this chapter, the election division**
 9 **may accept the filing of additional declarations of candidacy for**
 10 **that judgeship not later than noon August 1.**

11 **Sec. 5. All candidates for each respective judgeship shall be**
 12 **listed on the general election ballot in the form prescribed by**
 13 **IC 3-11-2 and without party designation. The candidate receiving**
 14 **the highest number of votes for each judgeship shall be elected to**
 15 **that office.**

16 **Sec. 6. IC 3, where not inconsistent with this chapter, applies**
 17 **to elections under this chapter.**

18 SECTION 6. IC 33-33-2-8 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The Allen
 20 superior court consists of nine (9) judges as follows:

- 21 (1) Two (2) judges serve in the family relations division.
 22 (2) Three (3) judges serve in the criminal division.
 23 (3) Four (4) judges serve in the civil division.

24 A newly elected or appointed judge assumes the division assignment of
 25 the judge whom the judge replaces.

26 (b) If in the opinion of a majority of the judges there is an undue
 27 disparity in the number of cases in any division, the chief judge may
 28 assign specific cases normally assigned to that division to a judge in
 29 another division as directed by a majority of the judges.

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

34 (d) During the period under IC 3-8-2-4 in which a declaration of
 35 candidacy may be filed for a primary election, any person desiring to
 36 become a candidate for one (1) of the Allen superior court judgeships
 37 must file with the election division a declaration of candidacy adapted
 38 from the form prescribed under IC 3-8-2 that:

- 1 (1) is signed by the candidate; and
 2 (2) designates the division and the name of the incumbent judge
 3 of the judgeship that the candidate seeks.

4 ~~(d)~~ (e) A petition without the designation required under
 5 subsection (c) shall be rejected by the election division (or by the
 6 Indiana election commission under IC 3-8-1-2).

7 ~~(e)~~ (f) If an individual who files a declaration under subsection (c)
 8 ceases to be a candidate after the final date for filing a declaration under
 9 subsection (c), the election division may accept the filing of additional
 10 declarations of candidacy for that seat not later than noon on August 1.

11 SECTION 7. IC 33-33-10-3 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There are
 13 established three (3) superior courts in Clark County, each of which
 14 consists of one (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) who~~ A judge under subsection (a) shall hold the judge's office
 20 for a term of six (6) years, beginning on the first day of January after
 21 the judge's election, and until the judge's successor is elected and
 22 qualified.

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

- 25 (1) a resident of Clark County; and
 26 (2) admitted to the bar of Indiana.

27 SECTION 8. IC 33-33-27.3-3 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The court has
 29 one (1) judge.

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

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

38 ~~(b)~~ (d) To be eligible to hold office as a judge of the court, a

1 person must be:

- 2 (1) a resident of Grant County;
 3 (2) less than seventy (70) years of age at the time of taking
 4 office; and
 5 (3) admitted to the practice of law in Indiana.

6 SECTION 9. IC 33-33-45-26 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) The superior
 8 court of Lake County consists of sixteen (16) judges plus the Lake
 9 circuit court judge if the circuit court judge chooses to sit on the
 10 superior court of Lake County.

11 **(b) A superior court judge is elected as provided in IC 33-29-7**
 12 **if the voters of the county have not approved a public question on**
 13 **whether a judge of a superior court shall be elected in a**
 14 **nonpartisan election under IC 33-29-7.**

15 SECTION 10. IC 33-33-46-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~IC 33-29-1-3~~
 17 ~~does not apply to this section:~~

18 ~~(b)~~ (a) Each LaPorte superior court has one (1) judge.

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

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

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

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

- 30 (1) be a resident of LaPorte County; and
 31 (2) be admitted to the bar of Indiana.

32 SECTION 11. IC 33-33-49-13 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) ~~Each judge of~~
 34 ~~the court shall be elected for a term of six (6) years that begins January~~
 35 ~~1 after the year of the judge's election and continues through December~~
 36 ~~31 in the sixth year. The judge shall hold office for the six (6) year term~~
 37 ~~or until the judge's successor is elected and qualified. A candidate for~~
 38 judge shall run at large for the office of judge of the court and not as a

1 candidate for judge of a particular room or division of the court.

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

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

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

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

21 ~~(d)~~ **(f)** The candidates for judge of the court receiving the highest
 22 number of votes shall be elected to the vacancies. The names of the
 23 candidates elected as judges of the court shall be certified to the county
 24 election board as provided by law.

25 SECTION 12. IC 33-33-56-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~IC 33-29-1-3~~
 27 ~~does not apply to this section:~~

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

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

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

37 ~~(c)~~ **(d)** To be eligible to hold office as judge of the Newton
 38 superior court, a person must:

- 1 (1) be a resident of Newton County; and
 2 (2) be admitted to the bar of Indiana.

3 SECTION 13. IC 33-33-67-3 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~IC 33-29-1-3~~
 5 does not apply to this section:

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

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

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

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

- 17 (1) a resident of Putnam County; and
 18 (2) admitted to the practice of law in Indiana.

19 SECTION 14. IC 33-33-71-5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a)** There is
 21 established a superior court in St. Joseph County. The court consists of
 22 eight (8) judges

23 **(b) If the voters of the county have approved a public question**
 24 **on whether a judge of a superior court shall be elected in a**
 25 **nonpartisan election under IC 33-29-7, a judge described in**
 26 **subsection (a) shall be elected as provided in IC 33-29-7.**

27 SECTION 15. IC 33-33-79.3-3 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The court has
 29 one (1) judge.

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

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

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

1 must:

- 2 (1) be a resident of Tippecanoe County;
 3 (2) be less than seventy (70) years of age at the time of taking
 4 office; and
 5 (3) be admitted to the bar of Indiana.

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

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

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

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

- 19 (1) a resident of Tippecanoe County;
 20 (2) less than seventy (70) years of age at the time of taking
 21 office; and
 22 (3) admitted to the bar of Indiana.

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

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

- 38 (1) domiciled in the county of Vanderburgh;

1 (2) a citizen of the United States; and

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

3 (c) If an individual who files a declaration under subsection (b)
4 ceases to be a candidate after the final date for filing a declaration under
5 subsection (b), the election division may accept the filing of additional
6 declarations of candidacy for that judgeship not later than noon August
7 1.

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

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

14 **(f) Subsections (g) through (k) 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. If voters of the county have approved the public**
18 **question under IC 33-29-7, subsections (a) through (e) apply.**

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

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

32 **(1) domiciled in the county of Vanderburgh;**

33 **(2) a citizen of the United States; and**

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

35 **(i) If an individual who files a declaration under subsection (b)**
36 **ceases to be a candidate after the final date for filing a declaration**
37 **under subsection (b), the election division may accept the filing of**
38 **additional declarations of candidacy for that judgeship not later**

1 **than noon August 1.**

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

6 **(k) IC 3, where not inconsistent with this chapter, applies to**
 7 **elections under this chapter.**

8 SECTION 18. IC 33-33-89.3-3 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The court has
 10 one (1) judge.

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

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

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

- 21 (1) be a resident of Wayne County;
- 22 (2) be less than seventy (70) years of age at the time the person
- 23 takes office;
- 24 (3) be admitted to the bar of Indiana; and
- 25 (4) have practiced law at least five (5) years.

26 SECTION 19. THE FOLLOWING ARE REPEALED
 27 [EFFECTIVE JULY 1, 2005]: IC 33-33-2-9; IC 33-33-2-10;
 28 IC 33-33-45-25; IC 33-33-45-26; IC 33-33-45-27; IC 33-33-45-28;
 29 IC 33-33-45-29; IC 33-33-45-30; IC 33-33-45-31; IC 33-33-45-32;
 30 IC 33-33-45-33; IC 33-33-45-34; IC 33-33-45-35; IC 33-33-45-36;
 31 IC 33-33-45-37; IC 33-33-45-38; IC 33-33-45-39; IC 33-33-45-40;
 32 IC 33-33-45-41; IC 33-33-45-42; IC 33-33-45-43; IC 33-33-45-44;
 33 IC 33-33-71-29; IC 33-33-71-30; IC 33-33-71-31; IC 33-33-71-32;
 34 IC 33-33-71-33; IC 33-33-71-34; IC 33-33-71-35; IC 33-33-71-36;
 35 IC 33-33-71-37; IC 33-33-71-38; IC 33-33-71-39; IC 33-33-71-40;
 36 IC 33-33-71-41; IC 33-33-71-42; IC 33-33-71-43; IC 33-33-71-44;
 37 IC 33-33-71-45; IC 33-33-71-46; IC 33-33-71-47; IC 33-33-71-48;
 38 IC 33-33-71-49; IC 33-33-71-50; IC 33-33-71-51; IC 33-33-71-52;

1 IC 33-33-71-53; IC 33-33-71-54; IC 33-33-71-55; IC 33-33-71-56;
2 IC 33-33-71-57; IC 33-33-71-58; IC 33-33-71-59; IC 33-33-71-60;
3 IC 33-33-71-61; IC 33-33-71-62; IC 33-33-71-63; IC 33-33-71-64;
4 IC 33-33-71-65; IC 33-33-71-66; IC 33-33-71-67; IC 33-33-71-68;
5 IC 34-46-2-30.4.

6 SECTION 20. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding**
7 **the amendment and repeal by this act of provisions in IC 33, the**
8 **term of a superior court judge elected or appointed under IC 33 in**
9 **office on June 30, 2005, does not terminate until the date that the**
10 **judge's term would have terminated under the law in effect on**
11 **June 30, 2005.**

12 (b) **The initial election of a superior court judge described in**
13 **subsection (a) under IC 33-29-7, as added by this act, is the general**
14 **election immediately preceding the date on which the term of the**
15 **judge would have terminated under the law in effect on June 30,**
16 **2005, if a public question on whether a judge of a superior court**
17 **shall be elected in a nonpartisan election is voted upon by the**
18 **voters of the county in which the superior court is located, and the**
19 **outcome requires an election.**

20 (c) **If:**

21 (1) **a superior court judge is in office; and**
22 (2) **a public question on whether a judge of a superior court**
23 **shall be elected in a nonpartisan election is voted upon by the**
24 **voters of the county in which the superior court is located,**
25 **and the outcome requires an election;**
26 **the superior court judge who is in office at the time of the vote is**
27 **subject to a retention vote and not a partisan or nonpartisan**
28 **election.**

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

30 SECTION 21. [EFFECTIVE JULY 1, 2005] **Notwithstanding**
31 **SECTION 19 of this act, the statutes repealed in SECTION 19 of**
32 **this act, as those statutes are in effect on June 30, 2005, continue to**
33 **apply to a county unless the voters of the county have approved a**
34 **public question on whether a judge of a superior court shall be**
35 **elected in a nonpartisan election under IC 33-29-7.**

36 SECTION 22. [EFFECTIVE JULY 1, 2005] (a) **The legislative**
37 **services agency shall prepare legislation for introduction in the**
38 **2006 regular session of the general assembly to organize and**

1 **correct statutes affected by the requirement that all superior court**
2 **judges be elected and the requirement that public questions on the**
3 **election of superior court judges be placed on the ballot as provided**
4 **in IC 33-29-7, as added by this act.**

5 **(b) This SECTION expires July 1, 2006.**
 (Reference is to HB 1703 as introduced.)

and when so amended that said bill do pass.

Representative Orentlicher