

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7656**

**BILL NUMBER:** HB 1676

**NOTE PREPARED:** Jan 24, 2007

**BILL AMENDED:**

**SUBJECT:** Judicial Retention Elections.

**FIRST AUTHOR:** Rep. Brown C

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** \_\_\_ **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It requires the Judicial Nominating Commission to solicit public comment as to whether a justice of the Supreme Court, a judge of the Court of Appeals, or a judge of the Tax Court whose retention in office is on a general election ballot should be retained in office. It requires the State Bar Association to survey attorneys and make a recommendation to the Commission as to whether a justice or judge should be retained in office. It requires the Commission to consider public comments, information from a justice or judge who is seeking retention, and the State Bar Association recommendations in making a recommendation as to whether a justice or judge should be retained in office. It requires the Commission to disseminate its recommendations so as to reach the greatest number of members of the public who are eligible to vote in the general election at which the question of the retention of a justice or judge is on the ballot.
- B. It requires the judicial nominating commissions in Lake and St. Joseph Counties to follow a similar procedure for superior court judges subject to a retention election in those counties. It requires the county bar associations in Lake and St. Joseph Counties to survey attorneys in those counties and make a recommendation to the judicial nominating commission of the county as to whether a judge should be retained in office.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** This bill allows the Judicial Nominating Commission to adopt rules to implement and administer these new responsibilities. Any added expenditures for new hearings and for disseminating information on the judicial officials in question to the voting public will depend on the budget appropriated to the Indiana Supreme Court.

The requirements for the Commission under this bill include:

- giving notice to the voting public that a Supreme Court justice or Court of Appeals judge wished to retain a position on the bench
- take comments from the general public about judicial officers and review a survey result prepared by the Indiana State Bar Association.
- make a recommendation on each judge or justice as to whether each justice or judge who is on the general election ballot should be retained and disseminate its recommendation

*Background* -- The purpose of the Judicial Nominating Commission is to select nominees to fill vacancies on the Indiana Supreme Court, Court of Appeals, and Tax Court, to select the Chief Justice of Indiana, and to certify former Indiana judges as senior judges. The Indiana Judicial Nominating Commission/Indiana Commission on Judicial Qualifications is a seven-member commission established by Article VII, Section 9, of the Constitution of Indiana. It performs two distinct functions within the judiciary.

- The Nominating Commission appoints the Chief Justice of Indiana from among the five Supreme Court Justices.
- The Commission also solicits and interviews candidates to fill vacancies on the Supreme Court, the Court of Appeals, and the Tax Court.

Commission membership includes three attorneys, three non-attorneys and the Chief Justice of the Supreme Court. The Commission is served by one full-time attorney and one full-time administrative assistant.

The Commission does not have a line item and operates under the budget of the Indiana Supreme Court.

*Judges and Justices with Expiring Terms* – The following table shows the number of judges who have terms expiring between 2008 and 2014. Some of these judges and justices may wish to be retained in the next election.

<b>Expiration Schedule of Current Justices and Judges Affected by This Bill</b>				
<b>Year Term Expires</b>	<b>Number of Judges Whose Terms Expire</b>			<b>Total Per Year</b>
	<b>Supreme Court</b>	<b>Court of Appeals</b>	<b>Tax Court</b>	
2008	3	1	1	5
2010	0	3	0	3
2012	1	5	0	6
2014	0	1	0	1
Totals	5	15	1	21

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Both judicial nominating commissions would basically have the same responsibilities as the state commission to gather comments, recommend whether a judge should be retained and disseminate this recommendation. The commissions would be permitted to adopt rules to implement and administer these new requirements.

*Background* -- Both Lake and St. Joseph County have judicial nominating commissions to fill vacancies in the superior courts of each county. The following shows the differences between the counties.

<b>Lake and St. Joseph Superior Court Nominating Commissions</b>					
	Number of Judges	Number of Members	Source	Nominees Sent to Governor	Source
Lake	16	9	IC 33-33-45-28	3	IC 33-33-45-36
St. Joseph	9	7	IC 33-33-71-30	5	IC 33-33-71-38

*Judges with Expiring Terms* – The following table shows the number of judges who have terms expiring between 2008 and 2010. Some of these judges and justices may wish to be retained in the next election.

<b>Expiration Schedule of Current Justices and Judges Affected by This Bill</b>		
<u>Year Term Expires</u>	<u>Number of Judges Whose Terms Expire</u>	
	<u>Lake</u>	<u>St. Joseph</u>
2008	7	3
2010	5	2

**Explanation of Local Revenues:**

**State Agencies Affected:** Judicial Nominating Commission.

**Local Agencies Affected:** Lake and St. Joseph County Nominating Commissions.

**Information Sources:** Indiana Supreme Court Website; *Indiana Judicial Officers Directory, 2005*.

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