

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 518 be amended to read as follows:

1 Page 7, between lines 31 and 32, begin a new paragraph and insert:
2 "SECTION 12. IC 3-8-1-17 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. A candidate for the
4 office of judge of a ~~superior~~ or probate court must:
5 (1) be admitted to the practice of law in Indiana upon filing a
6 declaration of candidacy or petition of nomination, or upon the
7 filing of a certificate of candidate selection under IC 3-13-1-15 or
8 IC 3-13-2-8; and
9 (2) comply with any other requirement for that office set forth in
10 IC 33-29, IC 33-33, or IC 33-31.
11 SECTION 13. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2013]: Sec. 5. A declaration of candidacy for:
13 (1) a federal office;
14 (2) a state office;
15 (3) a legislative office; or
16 (4) the local office of:
17 (A) judge of a circuit, ~~superior~~, probate, ~~county~~, or small
18 claims court; or
19 (B) prosecuting attorney of a judicial circuit;
20 shall be filed with the secretary of state."
21 Page 21, between lines 3 and 4, begin a new paragraph and insert:
22 "SECTION 36. IC 3-10-1-19, AS AMENDED BY P.L.6-2012,
23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2013]: Sec. 19. (a) The ballot for a primary election shall be

1 printed in substantially the following form for all the offices for which
2 candidates have qualified under IC 3-8:

3 OFFICIAL PRIMARY BALLOT

4 _____ Party

5 For paper ballots, print: To vote for a person, make a voting mark
6 (X or ✓) on or in the box before the person's name in the proper
7 column. For optical scan ballots, print: To vote for a person, darken or
8 shade in the circle, oval, or square (or draw a line to connect the arrow)
9 that precedes the person's name in the proper column. For optical scan
10 ballots that do not contain a candidate's name, print: To vote for a
11 person, darken or shade in the oval that precedes the number assigned
12 to the person's name in the proper column. For electronic voting
13 systems, print: To vote for a person, touch the screen (or press the
14 button) in the location indicated.

15 Vote for one (1) only

16 Representative in Congress

17 (1) AB _____

18 (2) CD _____

19 (3) EF _____

20 (4) GH _____

21 (b) Local public questions shall be placed on the primary election
22 ballot after the voting instructions described in subsection (a) and
23 before the offices described in subsection (e).

24 (c) The local public questions described in subsection (b) shall be
25 placed:

26 (1) in a separate column on the ballot if voting is by paper ballot;

27 (2) after the voting instructions described in subsection (a) and
28 before the offices described in subsection (e), in the form

29 specified in IC 3-11-13-11 if voting is by ballot card; or

30 (3) as provided by either of the following if voting is by an
31 electronic voting system:

32 (A) On a separate screen for a public question.

33 (B) After the voting instructions described in subsection (a)
34 and before the offices described in subsection (e), in the form
35 specified in IC 3-11-14-3.5.

36 (d) A public question shall be placed on the primary election ballot
37 in the following form:

38 (The explanatory text for the public question,
39 if required by law.)

40 "Shall (insert public question)?"

41 YES

42 NO

43 (e) The offices with candidates for nomination shall be placed on
44 the primary election ballot in the following order:

45 (1) Federal and state offices:

46 (A) President of the United States.

- 1 (B) United States Senator.
 2 (C) Governor.
 3 (D) United States Representative.
 4 (2) Legislative offices:
 5 (A) State senator.
 6 (B) State representative.
 7 (3) Circuit offices and county judicial offices:
 8 (A) Judge of the circuit court, and unless otherwise specified
 9 under IC 33, with each division separate if there is more than
 10 one (1) judge of the circuit court.
 11 ~~(B) Judge of the superior court, and unless otherwise specified~~
 12 ~~under IC 33, with each division separate if there is more than~~
 13 ~~one (1) judge of the superior court.~~
 14 ~~(B) Judge of the probate court.~~
 15 ~~(C) Prosecuting attorney.~~
 16 ~~(D) Circuit court clerk.~~
 17 (4) County offices:
 18 (A) County auditor.
 19 (B) County recorder.
 20 (C) County treasurer.
 21 (D) County sheriff.
 22 (E) County coroner.
 23 (F) County surveyor.
 24 (G) County assessor.
 25 (H) County commissioner.
 26 (I) County council member.
 27 (5) Township offices:
 28 (A) Township assessor (only in a township referred to in
 29 IC 36-6-5-1(d)).
 30 (B) Township trustee.
 31 (C) Township board member.
 32 (D) Judge of the small claims court.
 33 (E) Constable of the small claims court.
 34 (6) City offices:
 35 (A) Mayor.
 36 (B) Clerk or clerk-treasurer.
 37 (C) Judge of the city court.
 38 (D) City-county council member or common council member.
 39 (7) Town offices:
 40 (A) Clerk-treasurer.
 41 (B) Judge of the town court.
 42 (C) Town council member.
 43 (f) The political party offices with candidates for election shall be
 44 placed on the primary election ballot in the following order after the
 45 offices described in subsection (e):
 46 (1) Precinct committeeman.

- 1 (2) State convention delegate.
- 2 (g) The local offices to be elected at the primary election shall be
3 placed on the primary election ballot after the offices described in
4 subsection (f).
- 5 (h) The offices described in subsection (g) shall be placed:
- 6 (1) in a separate column on the ballot if voting is by paper ballot;
7 (2) after the offices described in subsection (f) in the form
8 specified in IC 3-11-13-11 if voting is by ballot card; or
9 (3) either:
- 10 (A) on a separate screen for each office or public question; or
11 (B) after the offices described in subsection (f) in the form
12 specified in IC 3-11-14-3.5;
13 if voting is by an electronic voting system.
- 14 SECTION 37. IC 3-10-2-11, AS AMENDED BY P.L.201-2011,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 11. (a) A judge of the circuit court shall be elected
17 at:
- 18 (1) the first general election following an appointment by the
19 governor to fill a vacancy in the office of judge of the circuit
20 court; or
21 (2) the general election before the term of the judge expires under
22 Article 7, Section 7 of the Constitution of the State of Indiana;
23 whichever occurs first, and every six (6) years thereafter.
- 24 (b) Except as otherwise provided by law, ~~judges a judge~~ of the
25 ~~superior and probate courts court~~ shall be elected at the general
26 election before ~~their terms the judge's term~~ of office ~~expire expires~~
27 and every six (6) years thereafter.
- 28 (c) **Judges of the superior courts shall be selected under**
29 **IC 33-27.1."**
- 30 Page 24, between lines 34 and 35, begin a new paragraph and insert:
31 "SECTION 48. IC 3-11-2-12, AS AMENDED BY P.L.6-2012,
32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2013]: Sec. 12. The following offices shall be placed on the
34 general election ballot in the following order after the public questions
35 described in section 10(a) of this chapter:
- 36 (1) Federal and state offices:
- 37 (A) President and Vice President of the United States.
38 (B) United States Senator.
39 (C) Governor and lieutenant governor.
40 (D) Secretary of state.
41 (E) Auditor of state.
42 (F) Treasurer of state.
43 (G) Attorney general.
44 (H) Superintendent of public instruction.
45 (I) United States Representative.
- 46 (2) Legislative offices:

- 1 (A) State senator.
- 2 (B) State representative.
- 3 (3) Circuit offices and county judicial offices:
- 4 (A) Judge of the circuit court, and unless otherwise specified
- 5 under IC 33, with each division separate if there is more than
- 6 one (1) judge of the circuit court.
- 7 ~~(B) Judge of the superior court, and unless otherwise specified~~
- 8 ~~under IC 33, with each division separate if there is more than~~
- 9 ~~one (1) judge of the superior court.~~
- 10 ~~(C) (B) Judge of the probate court.~~
- 11 ~~(D) (C) Prosecuting attorney.~~
- 12 ~~(E) (D) Clerk of the circuit court.~~
- 13 (4) County offices:
- 14 (A) County auditor.
- 15 (B) County recorder.
- 16 (C) County treasurer.
- 17 (D) County sheriff.
- 18 (E) County coroner.
- 19 (F) County surveyor.
- 20 (G) County assessor.
- 21 (H) County commissioner.
- 22 (I) County council member.
- 23 (5) Township offices:
- 24 (A) Township assessor (only in a township referred to in
- 25 IC 36-6-5-1(d)).
- 26 (B) Township trustee.
- 27 (C) Township board member.
- 28 (D) Judge of the small claims court.
- 29 (E) Constable of the small claims court.
- 30 (6) City offices:
- 31 (A) Mayor.
- 32 (B) Clerk or clerk-treasurer.
- 33 (C) Judge of the city court.
- 34 (D) City-county council member or common council member.
- 35 (7) Town offices:
- 36 (A) Clerk-treasurer.
- 37 (B) Judge of the town court.
- 38 (C) Town council member."
- 39 Page 25, between lines 2 and 3, begin a new paragraph and insert:
- 40 "SECTION 50. IC 3-11-2-14, AS AMENDED BY P.L.190-2011,
- 41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2013]: Sec. 14. (a) The following offices shall be placed on
- 43 the general election ballot in the following order after the offices
- 44 described in section 13 of this chapter:
- 45 (1) Retention of a local judge.
- 46 (2) Local nonpartisan judicial offices.

1 (b) These offices shall be placed in a separate column on the ballot.

2 (c) ~~If the ballot contains a candidate for a local nonpartisan judicial~~
 3 ~~office, the ballot must also contain a statement that reads substantially~~
 4 ~~as follows: "To vote for a candidate for this office, make a voting mark~~
 5 ~~on or in the square to the left of the candidate's name.".~~

6 ~~(d)~~ (c) If more than one (1) question concerning the retention of a
 7 local judge is to be placed on a ballot, the questions shall be placed on
 8 the ballot:

9 (1) in alphabetical order according to the surname of the local
 10 judge; and

11 (2) identifying the court (including division or room) in which the
 12 judge serves."

13 Page 61, between lines 33 and 34, begin a new paragraph and insert:
 14 "SECTION 96. IC 3-13-1-15, AS AMENDED BY P.L.225-2011,
 15 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 15. (a) A county chairman filling a candidate
 17 vacancy under section 6(a)(2) of this chapter or the chairman of a
 18 meeting filling a candidate vacancy under this chapter shall file a
 19 written certificate of candidate selection on a form prescribed by the
 20 commission stating the following information for each candidate
 21 selected:

22 (1) The name of each candidate as:

23 (A) the candidate wants the candidate's name to appear on the
 24 ballot; and

25 (B) the candidate's name is permitted to appear on the ballot
 26 under IC 3-5-7.

27 (2) The residence address of each candidate.

28 (b) The certificate shall be filed with:

29 (1) the election division for:

30 (A) a committee acting under section 3, 4, 5, or 6(b) of this
 31 chapter; or

32 (B) a committee acting under section 6(a) of this chapter to fill
 33 a candidate vacancy in the office of judge of a circuit, ~~superior~~;
 34 probate, ~~county~~, or small claims court or prosecuting attorney;
 35 or

36 (2) the circuit court clerk, for a committee acting under section
 37 6(a) of this chapter to fill a candidate vacancy for a local office
 38 not described in subdivision (1).

39 (c) This subsection applies to a candidate vacancy resulting from a
 40 vacancy on the primary election ballot as described in section 2 of this
 41 chapter. The certificate required by subsection (a) shall be filed not
 42 later than noon July 3 before election day.

43 (d) This subsection applies to all candidate vacancies not described
 44 by subsection (c). The certificate required by subsection (a) shall be
 45 filed not later than noon three (3) days (excluding Saturdays and
 46 Sundays) after selection of the candidates.

1 SECTION 97. IC 3-13-2-8, AS AMENDED BY P.L.2-2005,
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 8. (a) The chairman or chairmen filling a
 4 candidate vacancy under this chapter shall immediately file a written
 5 certificate of candidate selection on a form prescribed by the
 6 commission stating the following information for each candidate
 7 selected:

8 (1) The name of each candidate as:

9 (A) the candidate wants the candidate's name to appear on the
 10 ballot; and

11 (B) the candidate's name is permitted to appear on the ballot
 12 under IC 3-5-7.

13 (2) The residence address of each candidate.

14 (b) The certificate shall be filed with:

15 (1) the election division for:

16 (A) one (1) or more chairmen acting under section 2, 3, 4, or
 17 5(b) of this chapter; or

18 (B) a committee acting under section 5(b) of this chapter to fill
 19 a candidate vacancy for the office of judge of a circuit,
 20 ~~superior, probate, county~~; or small claims court or prosecuting
 21 attorney; or

22 (2) the circuit court clerk of the county in which the greatest
 23 percentage of the population of the election district is located, for
 24 a chairman acting under section 5(a) of this chapter to fill a
 25 candidate vacancy for a local office not described in subdivision
 26 (1).

27 (c) The certificate required by subsection (a) shall be filed not more
 28 than three (3) days (excluding Saturdays and Sundays) after selection
 29 of the candidate."

30 Page 63, line 1, strike "or probate".

31 Page 63, line 2, strike "by the governor subject to the following:".

32 Page 63, strike lines 3 through 8.

33 Page 63, line 9, strike "IC 5-8-6." and insert "**IC 33-27.1**".

34 Page 66, between lines 41 and 42, begin a new paragraph and insert:

35 "SECTION 107. IC 5-8-1-19, AS AMENDED BY P.L.201-2011,
 36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2013]: Sec. 19. (a) Under Article 7, Section 13 of the
 38 Constitution of the State of Indiana, whenever a circuit, superior, or
 39 probate court judge or prosecuting attorney has been convicted of
 40 corruption or any other high crime, the attorney general shall bring
 41 proceedings in the supreme court, on information, in the name of the
 42 state, for the removal from office of the judge or prosecuting attorney.

43 (b) If the judgment is against the defendant, the defendant is
 44 removed from office.

45 (c) **If the judgment is against the judge of a circuit court, a judge**
 46 **of a probate court, or a prosecuting attorney,** the governor, the

1 officer, or the entity required to fill a vacancy under IC 3-13-6-2 shall
2 subject to:

- 3 (1) ~~IC 33-33-2-39;~~
4 (2) ~~IC 33-33-2-43;~~
5 (3) ~~IC 33-33-45-38;~~ and
6 (4) ~~IC 33-33-71-40;~~

7 appoint or select a successor to fill the vacancy in office.

8 **(d) If the judgment is against a judge of a superior court, the**
9 **vacancy shall be filled under IC 33-27.1."**

10 Page 68, between lines 16 and 17, begin a new paragraph and insert:
11 "SECTION 109. IC 33-23-1-7 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. "Judicial nominating
13 commission", except as used in **IC 33-27.1**, IC 33-33-2, IC 33-33-45,
14 and IC 33-33-71, means the commission described in Article 7, Section
15 9 of the Constitution of the State of Indiana.

16 SECTION 110. IC 33-23-11-15 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) The statement
18 of economic interests must be filed with the commission on judicial
19 qualifications:

- 20 (1) not later than February 1:
21 **(A)** if the individual is required to file the statement as an
22 officeholder; or
23 **(B) in the year a retention vote is scheduled for the**
24 **candidate under IC 33-27.1; or**
25 (2) if a candidate for office, before the individual (or a political
26 party officer acting on behalf of the individual) files:
27 **(A)** a declaration of candidacy, if required under IC 3-8-2 or
28 IC 3-8-4-11;
29 **(B)** a certified petition of nomination with the Indiana election
30 division under IC 3-8-6;
31 **(C)** a certificate of nomination under IC 3-8-7-8;
32 **(D)** a certificate of candidate selection under IC 3-13-1 or
33 IC 3-13-2; or
34 **(E)** a declaration of intent to be a write-in candidate, if
35 required under IC 3-8-2.

36 **(b) In a county where judges are selected by a county commission**
37 **on judicial qualifications; A candidate for the office of a superior**
38 **court judge must file a statement with the county judicial nominating**
39 **commission on judicial qualifications and with the commission on**
40 **judicial qualifications.**

41 SECTION 111. IC 33-27.1 IS ADDED TO THE INDIANA CODE
42 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
43 1, 2013]:

44 **ARTICLE 27.1. MERIT SELECTION OF SUPERIOR COURT**
45 **JUDGES**

46 **Chapter 1. General Provisions**

1 **Sec. 1. This article applies to the selection of a judge of a**
2 **superior court.**

3 **Sec. 2. The definitions in this chapter apply throughout this**
4 **article.**

5 **Sec. 3. "Attorney member" refers to a member of a commission**
6 **who is appointed under IC 33-27.1-3.**

7 **Sec. 4. "Clerk" refers to the clerk of the circuit court in a**
8 **county.**

9 **Sec. 5. "Commission" refers to the judicial nominating**
10 **commission established for a county under IC 33-27.1-2-1.**

11 **Sec. 6. "Court" refers to a superior court.**

12 **Sec. 7. "Nonattorney member" refers to a member of a**
13 **commission who is appointed to the commission in the capacity of**
14 **a nonattorney member under IC 33-27.1-4.**

15 **Chapter 2. County Judicial Nominating Commission**

16 **Sec. 1. A judicial nominating commission is established in each**
17 **county.**

18 **Sec. 2. The county executive shall provide the:**

- 19 (1) facilities;
- 20 (2) equipment;
- 21 (3) supplies; and
- 22 (4) services;

23 **necessary for the administration of the duties imposed on the**
24 **commission.**

25 **Sec. 3. The members of the commission serve without**
26 **compensation. However, the county executive shall reimburse**
27 **members of the commission for their actual expenses incurred in**
28 **performing their duties.**

29 **Sec. 4. The commission consists of the following seven (7)**
30 **members:**

- 31 (1) Three (3) attorney members appointed under IC 33-27.1-3.
- 32 (2) Three (3) nonattorney members appointed under
- 33 **IC 33-27.1-4.**
- 34 (3) A justice of the supreme court or a judge of the court of
- 35 **appeals appointed by the chief justice of the supreme court.**

36 **Sec. 5. (a) The term of a member of the commission is four (4)**
37 **years or until the member's successor is appointed and qualified.**
38 **The term of a member begins October 1, 2013, and every four (4)**
39 **years thereafter. However, a justice or judge appointed under**
40 **section 4(3) of this chapter serves at the pleasure of the chief justice**
41 **of the supreme court.**

42 **(b) The commission shall select one (1) member of the**
43 **commission to serve as chairperson of the commission.**

44 **Sec. 6. Four (4) members of the commission constitute a**
45 **quorum.**

46 **Sec. 7. (a) Meetings of the commission shall be called by the**
47 **chairperson, or if the chairperson fails to call a necessary meeting,**

1 upon the call of any four (4) members of the commission.
2 (b) When a meeting is called under this section, the commission
3 shall give each member of the commission at least five (5) days
4 written notice by mail of the date, time, and place of the meeting
5 unless the commission at its previous meeting designated the date,
6 time, and place of its next meeting.
7 Sec. 8. Meetings of the commission must be held at the county
8 courthouse or another place arranged by the clerk.
9 Sec. 9. The commission may act only:
10 (1) at a meeting; and
11 (2) by the concurrence of a majority of its members attending
12 a meeting.
13 Sec. 10. The commission may adopt reasonable and proper rules
14 for the conduct of its proceedings and the discharge of its duties.
15 Chapter 3. Appointment of Attorney Members
16 Sec. 1. The Indiana State Bar Association shall:
17 (1) appoint three (3) attorney members to the commission in
18 each county in a manner prescribed by the Indiana State Bar
19 Association;
20 (2) provide a county bar association with the name of each
21 attorney who is being considered for appointment in that
22 county; and
23 (3) consult with a county bar association before making
24 appointments for that county.
25 Sec. 2. The Indiana State Bar Association may delegate the
26 appointment of attorney members under section 1 of this chapter
27 to a county bar association.
28 Sec. 3. A county bar association that is delegated appointment
29 authority under section 2 of this chapter shall appoint attorney
30 members in a manner prescribed by the county bar association.
31 Sec. 4. (a) To qualify to hold office as an attorney member of the
32 commission, a person must:
33 (1) be admitted to the practice of law in Indiana;
34 (2) reside in the county for which the commission is
35 established;
36 (3) not have served as a member of the commission in the
37 immediately preceding three (3) years;
38 (4) not hold an office in a political party or organization; and
39 (5) not hold any other elected public office.
40 (b) If an attorney member of the commission terminates the
41 attorney's residence in the county, the attorney is considered to
42 have resigned from the commission.
43 Sec. 5. Not more than two (2) attorney members may be
44 members of the same political party.
45 Sec. 6. An appointment under this chapter must be made not
46 later than September 1 in the year that the term of the member's
47 predecessor expires. If the appointing authority fails to make an

1 appointment as required under this chapter, the chief justice of the
2 supreme court shall make the appointment before October 1 in the
3 year that the member's term expires.

4 Sec. 7. Not more than ten (10) days after making an
5 appointment under this chapter, the appointing authority shall
6 certify the appointment to the following:

- 7 (1) The secretary of state.
- 8 (2) The chief justice of the supreme court.
- 9 (3) The clerk in the county.

10 Sec. 8. Upon receipt of a certification under this chapter, the
11 clerk shall notify the other members of the commission of the
12 appointment.

13 Sec. 9. (a) A vacancy on the commission involving an attorney
14 member shall be filled for the balance of the vacating member's
15 term in the manner prescribed for the appointment of the vacating
16 member.

- 17 (b) The clerk shall inform the:
 - 18 (1) appointing authority; and
 - 19 (2) chief justice of the supreme court;
- 20 of the existence of a vacancy described in subsection (a).

21 (c) If the appointing authority fails to make an appointment
22 under this section within thirty (30) days after the vacancy occurs,
23 the chief justice of the supreme court shall make the appointment
24 not later than sixty (60) days after the vacancy occurs.

25 Chapter 4. Appointment of Nonattorney Members

26 Sec. 1. (a) This section applies in a county in which the county
27 executive has only three (3) members who are each elected from a
28 different district in the county.

29 (b) Each of the three (3) members of the county executive shall
30 appoint one (1) nonattorney member.

31 Sec. 2. (a) This section applies in a county to which section 1 of
32 this chapter does not apply.

33 (b) The county executive shall appoint three (3) nonattorney
34 members to the commission by majority vote.

35 Sec. 3. To qualify to hold office as a nonattorney member
36 appointed under section 1 or 2 of this chapter, a person must:

- 37 (1) reside in the:
 - 38 (A) district represented by the member of the county
39 executive appointing the member, if the member is
40 appointed under section 1 of this chapter; or
 - 41 (B) county, if the member is appointed under section 2 of
42 this chapter;
- 43 (2) not be an elected official or a salaried employee of the state
44 or a political subdivision;
- 45 (3) not be admitted to the practice of law in Indiana or
46 another state;
- 47 (4) not hold an office in a political party or organization; and

1 (5) not have served as a member of the commission in the
2 immediately preceding three (3) years.

3 Sec. 4. Not more than two (2) of the nonattorney members may
4 be members of the same political party.

5 Sec. 5. (a) An appointment under section 1 or 2 of this chapter
6 must be made not later than September 1 in the year that the term
7 of the member's predecessor expires.

8 (b) If the appointing authority fails to make an appointment as
9 required under section 1 or 2 of this chapter, the chief justice of the
10 supreme court shall make the appointment before October 1 in the
11 year that the member's term expires.

12 Sec. 6. Not more than ten (10) days after making an
13 appointment under this chapter, the appointing authority shall
14 certify the appointment to the following:

- 15 (1) The secretary of state.
- 16 (2) The chief justice of the supreme court.
- 17 (3) The clerk of the county.

18 Sec. 7. Upon receipt of a certification under this chapter, the
19 clerk shall notify the other members of the commission of the
20 appointment.

21 Sec. 8. (a) A vacancy on the commission involving a nonattorney
22 member shall be filled for the balance of the vacating member's
23 term in the manner prescribed for the appointment of the vacating
24 member.

25 (b) The clerk shall inform the:
26 (1) appointing authority; and
27 (2) chief justice of the supreme court;
28 of the existence of a vacancy described in subsection (a).

29 (c) If the appointing authority under section 1 or 2 of this
30 chapter fails to make an appointment under this section within
31 thirty (30) days after the vacancy occurs, the chief justice of the
32 supreme court shall make the appointment not later than sixty (60)
33 days after the vacancy occurs.

34 Chapter 5. Nomination of Judicial Candidates; Qualifications
35 of Candidates

36 Sec. 1. When a vacancy occurs in a court, the clerk shall
37 promptly notify the chairperson of the commission of the vacancy.
38 The chairperson shall call a meeting of the commission not later
39 than ten (10) days after the notice.

40 Sec. 2. (a) The commission shall nominate the five (5)
41 individuals that the commission believes to be the most highly
42 qualified candidates for each vacancy from among all the eligible
43 individuals considered.

44 (b) If at least two (2) vacancies exist for a court in a judicial
45 circuit, the commission shall nominate a list of five (5) different
46 individuals for each of the vacancies.

47 (c) If the commission determines that there are less than five (5)

1 individuals qualified to fill a vacancy, the commission may
2 nominate a lesser number. Notwithstanding IC 33-27.1-2-9(2), a
3 determination under this subsection must be by the affirmative
4 vote of at least five (5) members of the commission.

5 Sec. 3. To be eligible for nomination as a judge of a court, an
6 individual must:

- 7 (1) be a resident of the judicial circuit;
- 8 (2) be a citizen of the United States;
- 9 (3) be admitted to the practice of law in Indiana;
- 10 (4) not have been rejected as judge for the court in an election
11 under IC 33-27.1-9 that created the vacancy; and
- 12 (5) not be disqualified under IC 3-8-1-5.

13 However, the rejection of a judge under IC 33-27.1-9 does not
14 disqualify the rejected judge from being considered for another
15 judicial office then vacant or thereafter becoming vacant.

16 Sec. 4. The commission shall evaluate in writing each eligible
17 individual on the following factors:

- 18 (1) Law school record, including any academic honors and
19 achievements.
- 20 (2) Contributions to scholarly journals and publications,
21 legislative drafts, and legal briefs.
- 22 (3) Activities in public service, including:
 - 23 (A) writings and speeches concerning public or civic affairs
24 that are on public record, including campaign speeches or
25 writing, letters to newspapers, and testimony before public
26 agencies;
 - 27 (B) efforts and achievements in improving the
28 administration of justice; and
 - 29 (C) other conduct relating to the profession of the
30 candidate.
- 31 (4) Legal experience, including the number of years practicing
32 law, kind of practice involved, and reputation as a trial lawyer
33 or judge.
- 34 (5) Probable judicial temperament.
- 35 (6) Physical condition, including age, stamina, and possible
36 habitual intemperance.
- 37 (7) Personality traits, including the exercise of sound
38 judgment, the ability to compromise and conciliate, patience,
39 decisiveness, and dedication.
- 40 (8) Membership on boards of directors, financial interests,
41 and any other considerations that might create a conflict of
42 interest with a judicial office.
- 43 (9) Any other information the commission believes is
44 important in selecting the best qualified individuals for
45 judicial office.

46 Sec. 5. The commission may consider the:

- 47 (1) political affiliation of an eligible individual to remedy a

1 political imbalance among sitting superior court judges; or
2 (2) race, gender, or other personal characteristics of an
3 eligible individual to ensure diversity among sitting superior
4 court judges;

5 as a factor secondary to the factors in section 4 of this chapter.

6 Sec. 6. Written evaluations may not be made on an individual
7 until the individual states in writing that the individual desires to
8 hold a judicial office that is or will be created by a vacancy.

9 Sec. 7. If a vacancy occurs in a judicial circuit that encompasses
10 more than one (1) county, an act required under this chapter or
11 IC 33-27.1-6 shall be taken jointly by each commission in the
12 judicial circuit. The clerk of the county that has the largest
13 population in the judicial circuit shall notify each commission of
14 the existence of a vacancy.

15 Chapter 6. Submission of Names to the Governor; Public Access

16 Sec. 1. (a) The commission shall certify the names of the
17 candidates nominated to fill a vacancy to the governor as promptly
18 as possible after the commission begins its deliberations.

19 (b) Nominations must be certified not later than sixty (60) days
20 after the vacancy occurs.

21 (c) If:

- 22 (1) the clerk is informed that a vacancy will occur at a definite
23 future date within the term of the governor then serving; and
- 24 (2) the vacancy has not yet occurred;

25 the clerk shall notify the commission immediately, and the
26 commission may, not more than fifty (50) days after the notice of
27 vacancy, make and submit its nominations for the vacancy.

28 Sec. 2. The commission shall submit with the list of nominees to
29 the governor its written evaluation of the qualifications of each
30 candidate. The names and written evaluations shall be publicly
31 disclosed.

32 Sec. 3. Each eligible candidate whose name was not submitted
33 to the governor is entitled to access to any evaluation on the
34 candidate by the commission and the right to make the evaluation
35 public. Otherwise, the evaluation is confidential.

36 Sec. 4. After the commission has nominated and submitted to
37 the governor the names of the nominees for appointment to fill a
38 vacancy in a court:

- 39 (1) a name may be withdrawn for a cause considered by the
40 commission to be of a substantial nature affecting the
41 nominee's qualifications to hold office; and
- 42 (2) another name may be substituted at any time before the
43 appointment is made to fill the vacancy.

44 Sec. 5. (a) If a nominee dies or requests in writing that the
45 nominee's name be withdrawn, the commission shall nominate
46 another person to replace the withdrawing nominee.

47 (b) If at least two (2) vacancies exist in a court in a judicial

- 1 circuit, the commission may, before an appointment is made:
- 2 (1) withdraw the lists of nominations;
- 3 (2) change the names of any persons nominated from one (1)
- 4 list to another and resubmit the lists as changed; or
- 5 (3) substitute a new name for any of those previously
- 6 nominated.

7 Sec. 6. If a commission determines under IC 33-27.1-5-2(c) that,
 8 of the persons considered for any existing or expected vacancy in
 9 the court, less than five (5) are qualified for judicial office, the
 10 commission shall certify that determination to the governor with
 11 the names of the nominees for the vacancy.

12 Chapter 7. Judicial Appointments

13 Sec. 1. A vacancy occurring in a court shall be filled by
 14 appointment of the governor from a list of nominees presented to
 15 the governor by the commission for the judicial circuit where the
 16 vacancy occurred.

17 Sec. 2. If the governor fails to make an appointment from the
 18 list not later than sixty (60) days after the day the list is presented
 19 to the governor, the appointment shall be made by the chief justice
 20 or acting chief justice of the supreme court from the same list
 21 presented to the governor.

22 Sec. 3. The governor shall:

- 23 (1) make all appointments to a court without regard to the
- 24 political affiliation of any of the nominees submitted to the
- 25 governor; and
- 26 (2) consider only those qualifications of the nominees set forth
- 27 in IC 33-27.1-5-4.

28 Sec. 4. An appointment under this chapter takes effect:

- 29 (1) immediately, if a vacancy exists on the date of the
- 30 appointment; or
- 31 (2) on the date the vacancy is created, if a vacancy does not
- 32 exist on the date of the appointment.

33 Chapter 8. Term of Office; Limitation on Practice

34 Sec. 1. Each judge appointed under IC 33-27.1-7 shall serve an
 35 initial term that:

- 36 (1) begins on the effective date of the judge's appointment;
- 37 and
- 38 (2) continues through December 31 in the year of the general
- 39 election that follows the expiration of two (2) years after the
- 40 effective date of the appointment.

41 Sec. 2. (a) Except as provided in section 1 of this chapter, the
 42 term of a judicial office is six (6) years.

43 (b) Except as provided in section 1 of this chapter, a term of
 44 office begins on January 1 following the expiration of the preceding
 45 term.

46 (c) A judge serves until the judge's successor is selected and
 47 qualified.

1 **Sec. 3. During a judge's term of office, the judge may not do the**
2 **following:**

- 3 **(1) Engage in the practice of law.**
- 4 **(2) Run for an elective office other than a judicial office.**
- 5 **(3) Directly or indirectly make any contributions to, or hold**
6 **any office in, a political party or organization.**
- 7 **(4) Take part in any political campaign except the judge's**
8 **campaign for judicial office.**

9 **Sec. 4. Failure to comply with section 3 of this chapter is**
10 **sufficient cause for the commission with jurisdiction over the judge**
11 **to recommend to the supreme court that the judge be censured or**
12 **removed from office.**

13 **Chapter 9. Retention Vote**

14 **Sec. 1. The question of the retention in office or rejection of each**
15 **judge of a court shall be submitted to the electorate of the judicial**
16 **circuit at the general election immediately preceding the expiration**
17 **of the term of that judge.**

18 **Sec. 2. (a) If a judge does not desire to serve a further term, the**
19 **judge shall notify the clerk in writing at least sixty (60) days before**
20 **the general election immediately preceding the expiration of the**
21 **judge's term.**

22 **(b) If a judge provides notice under subsection (a):**

- 23 **(1) the question of the judge's retention in office or rejection**
24 **may not be submitted to the electorate; and**
- 25 **(2) the office of the judge is vacant at the expiration of the**
26 **term.**

27 **Sec. 3. The county election board for each county in the judicial**
28 **circuit shall submit the question of the retention in office of any**
29 **judge to the electorate of the county. The submission of this**
30 **question is subject to the provisions of IC 3 that are not**
31 **inconsistent with this chapter.**

32 **Sec. 4. (a) At the general election, the question of the retention**
33 **in office of a judge shall be submitted to the electorate of the**
34 **county in the form prescribed by IC 3-11-2.**

35 **(b) The question must state:**

36 **"Shall Judge (insert name) of the (name of court) be retained**
37 **in office for an additional term?"**

38 **Sec. 5. (a) If a majority of the ballots cast by the electors voting**
39 **on the question is "No", the judge whose name appeared on the**
40 **question shall be rejected.**

41 **(b) The office of a rejected judge is vacant on January 1**
42 **following the rejection.**

43 **Chapter 10. Transition to Merit Selection of Superior Court**
44 **Judges**

45 **Sec. 1. Notwithstanding any other law, this article applies to**
46 **judicial vacancies occurring in a superior court after December 31,**
47 **2013.**

1 **Sec. 2. (a) A person who is:**
 2 **(1) a judge of a superior court on June 30, 2013; or**
 3 **(2) appointed as a judge to serve the unexpired term of a**
 4 **person who is the judge of a superior court on June 30, 2013;**
 5 **shall be treated as if the judge had been appointed by the governor**
 6 **under this article. The judge may continue after June 30, 2013, to**
 7 **serve the unexpired part of the judge's term of office.**

8 **(b) A judge described in subsection (a) may serve a successive**
 9 **term if retained in office in an election held under IC 33-27.1-9.**

10 SECTION 112. IC 33-29-1-3, AS AMENDED BY P.L.201-2011,
 11 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2013]: Sec. 3. ~~(a)~~ A standard superior court judge is elected
 13 at the general election every six ~~(6)~~ years in the county in which the
 14 court is located. The judge's term begins January ~~1~~ following the
 15 election and ends December ~~31~~ following the election of the judge's
 16 successor:

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

- 19 ~~(1) a resident of the county in which the court is located; and~~
- 20 ~~(2) admitted to practice law in Indiana.~~

21 **shall be selected under IC 33-27.1.**

22 SECTION 113. IC 33-29-1-10 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The judge of the
 24 circuit court of the county in which the standard superior court is
 25 located may, with the consent of the judge of the standard superior
 26 court, sit as a judge of the standard superior court in any matter as if the
 27 circuit court judge were ~~an elected~~ a judge of the standard superior
 28 court.

29 (b) The judge of a standard superior court may, with the consent of
 30 the judge of the circuit court, sit as the judge of the circuit court of the
 31 county in which the standard superior court is located in any matter as
 32 if the judge of the standard superior court were the elected judge of the
 33 circuit court."

34 Page 71, after line 11, begin a new paragraph and insert:

35 "SECTION 120. [EFFECTIVE JULY 1, 2013] **(a) The legislative**
 36 **services agency shall prepare legislation for introduction in the**
 37 **2014 regular session of the general assembly to:**

- 38 **(1) amend and repeal provisions in IC 33-33; and**

- 39 **(2) organize and correct any other statutes, if necessary;**
 40 **affected by IC 33-27.1, as added by this act.**

41 **(b) This SECTION expires December 31, 2014."**

- 1 Renumber all SECTIONS consecutively.
(Reference is to ESB 518 as printed March 29, 2013.)

Representative Wesco