

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 110 be amended to read as follows:

- 1 Delete the title and insert the following:
2 A BILL FOR AN ACT to amend the Indiana Code concerning local
3 government and courts.
4 Page 7, between lines 11 and 12, begin a new paragraph and insert:
5 "SECTION 7. IC 3-13-6-1, AS AMENDED BY P.L.201-2011,
6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2012]: Sec. 1. (a) As used in this section, "judge" refers to a
8 judge of a circuit, superior, or probate court.
9 (b) If a judge wants to resign from office, the judge must resign as
10 provided in IC 5-8-3.5.
11 (c) A vacancy that occurs because of the death of a judge may be
12 certified to the governor under IC 5-8-6.
13 (d) A vacancy that occurs, other than by resignation or death of a
14 judge, shall be certified to the governor by the circuit court clerk of the
15 county in which the judge resided.
16 (e) A vacancy in the office of judge of a circuit court shall be filled
17 by the governor as provided by Article 5, Section 18 of the Constitution
18 of the State of Indiana. However, the governor may not fill a vacancy
19 that occurs because of the death of a judge until the governor receives
20 notice of the death under IC 5-8-6. The person who is appointed holds
21 the office until:
22 (1) the end of the unexpired term; or
23 (2) a successor is elected at the next general election and
24 qualified;
25 whichever occurs first. The person elected at the general election
26 following an appointment to fill the vacancy, upon being qualified,
27 holds office for the six (6) year term prescribed by Article 7, Section 7
28 of the Constitution of the State of Indiana and until a successor is
29 elected and qualified.
30 (f) A vacancy in the office of judge of a superior or probate court

1 shall be filled by the governor subject to the following:

2 (1) IC 33-33-2-39.

3 (2) IC 33-33-2-43.

4 ~~(3) IC 33-33-45-38.~~

5 ~~(4)~~ **(3) IC 33-33-71-40.**

6 However, the governor may not fill a vacancy that occurs because of
7 the death of a judge until the governor receives notice of the death
8 under IC 5-8-6. The person who is appointed holds office for the
9 remainder of the unexpired term.

10 SECTION 8. IC 5-8-1-19, AS AMENDED BY P.L.201-2011,
11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2012]: Sec. 19. (a) Under Article 7, Section 13 of the
13 Constitution of the State of Indiana, whenever a circuit, superior, or
14 probate court judge or prosecuting attorney has been convicted of
15 corruption or any other high crime, the attorney general shall bring
16 proceedings in the supreme court, on information, in the name of the
17 state, for the removal from office of the judge or prosecuting attorney.

18 (b) If the judgment is against the defendant, the defendant is
19 removed from office. The governor, the officer, or the entity required
20 to fill a vacancy under IC 3-13-6-2 shall, subject to:

21 (1) IC 33-33-2-39;

22 (2) IC 33-33-2-43;

23 ~~(3) IC 33-33-45-38;~~ and

24 ~~(4)~~ **(3) IC 33-33-71-40;**

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

26 Page 7, between lines 25 and 26, begin a new paragraph and insert:

27 "SECTION 9. IC 33-23-1-7 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2012]: 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 10. IC 33-33-45-3 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a)** There is
34 established a superior court in Lake County (referred to as "the court"
35 in this chapter).

36 **(b) The court consists of:**

37 **(1) sixteen (16) judges, who shall be elected at the general**
38 **election every six (6) years in Lake County; and**

39 **(2) the Lake County circuit court judge, if the circuit court**
40 **judge chooses to sit on the superior court of Lake County.**

41 **(c) The term of a judge described in subsection (b)(1) begins**
42 **January 1 following the judge's election and ends December 31**
43 **following the election of the judge's successor.**

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

46 **(1) a resident of Lake County;**

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

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

4 SECTION 11. IC 33-33-45-21, AS AMENDED BY P.L.201-2011,
 5 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2012]: Sec. 21. (a) The court is divided into civil (including
 7 probate), criminal, county, and juvenile divisions. The work of the
 8 court shall be divided among the divisions by the rules of the court.

9 (b) Seven (7) judges comprise the civil division. Four (4) judges
 10 comprise the criminal division. Four (4) judges comprise the county
 11 division. One (1) judge comprises the juvenile division. However, the
 12 court by rule may alter the number of judges assigned to a division of
 13 the court if the court determines that the change is necessary for the
 14 efficient operation of the court.

15 (c) The court by rule may reassign a judge of the court from one (1)
 16 division to another if the court determines that the change is necessary
 17 for the efficient operation of the court. The court by rule may establish
 18 a rotation schedule providing for the rotation of judges through the
 19 various divisions. The rotation schedule may be used if the court
 20 determines that an emergency exists. However, a senior judge of any
 21 division may not be reassigned or rotated to another division under this
 22 subsection.

23 (d) The chief judge of the court may assign a judge in one (1)
 24 division of the court to hear a case originating in another division of the
 25 court, and may reassign cases from one (1) judge to another, if the chief
 26 judge determines that the change is necessary for the efficient operation
 27 of the court.

28 (e) A judge of a division of the court who has not been appointed to
 29 the court under section 38 of this chapter is not eligible to be
 30 reassigned, rotated, or transferred to the other divisions of the court.
 31 However, a judge of a division of the court who has not been appointed
 32 to the court under section 38 of this chapter may apply to fill a vacancy
 33 in another division of the court through appointment as provided under
 34 this chapter.

35 SECTION 12. IC 33-33-45-25 IS REPEALED [EFFECTIVE JULY
 36 1, 2012]. Sec. 25: (a) At the general election immediately preceding the
 37 expiration of a judge's extended term, the question of that judge's
 38 retention in office or rejection shall be submitted to the electorate of
 39 Lake County under section 42 of this chapter. Thereafter, unless
 40 rejected by the electorate, each judge shall serve successive terms as
 41 provided in section 41(b) of this chapter.

42 (b) A judge of the county division serving on June 30, 2011, is
 43 subject to the question of the judge's retention in office or rejection as
 44 provided in subsection (a) at the expiration of the judge's term of office
 45 under the law in effect on June 30, 2011.

46 SECTION 13. IC 33-33-45-26 IS REPEALED [EFFECTIVE JULY

1 1, 2012]. Sec. 26: The superior court of Lake County consists of sixteen
 2 (16) judges plus the Lake circuit court judge if the circuit court judge
 3 chooses to sit on the superior court of Lake County.

4 SECTION 14. IC 33-33-45-27 IS REPEALED [EFFECTIVE JULY
 5 1, 2012]. Sec. 27: (a) There is established a judicial nominating
 6 commission for the superior court of Lake County; the functions;
 7 responsibilities; and procedures of which are set forth in sections 28
 8 through 37 of this chapter.

9 (b) The board of county commissioners of Lake County shall
 10 provide all facilities; equipment; supplies; and services as may be
 11 necessary for the administration of the duties imposed upon the
 12 commission. The members of the commission shall serve without
 13 compensation. However, the board of county commissioners of Lake
 14 County shall reimburse members of the commission for actual
 15 expenses incurred in performing their duties.

16 SECTION 15. IC 33-33-45-28 IS REPEALED [EFFECTIVE JULY
 17 1, 2012]. Sec. 28: (a) The judicial nominating commission (referred to
 18 in this chapter as the commission) consists of nine (9) members; the
 19 majority of whom form a quorum. The chief justice of the supreme
 20 court (or a justice of the supreme court or judge of the court of appeals
 21 designated by the chief justice) shall be a member and shall act as
 22 chairman.

23 (b) Under sections 30 and 31 of this chapter; those admitted to the
 24 practice of law and residing in Lake County shall elect four (4) of their
 25 members to serve on the commission; subject to the following:

26 (1) At least one (1) attorney member must be a minority
 27 individual (as defined in IC 21-13-1-6).

28 (2) Two (2) attorney members must be women.

29 (3) Two (2) attorney members must be men.

30 (c) The Lake County board of commissioners shall appoint four (4)
 31 nonattorney citizens to the commission; subject to the following:

32 (1) Each of the three (3) county commissioners shall appoint one
 33 (1) nonattorney member who is a resident of the appointing
 34 commissioner's district.

35 (2) After each county commissioner has had the opportunity to
 36 make the county commissioner's appointment, the fourth
 37 nonattorney member must be appointed by a majority vote of the
 38 Lake County board of commissioners.

39 (3) At least one (1) nonattorney member must be a minority
 40 individual (as defined in IC 21-13-1-6).

41 (4) Two (2) nonattorney members must be women.

42 (5) Two (2) nonattorney members must be men.

43 (6) Not more than two (2) of such appointees may be from the
 44 same political party.

45 The appointees must reflect the composition of the community. If the
 46 Lake County board of commissioners fails to appoint any of the

1 nonattorney commission members within the time required to do so in
2 section 29 of this chapter; the appointment shall be made by the chief
3 justice of the supreme court.

4 (d) A member of the commission, other than a judge or justice, may
5 not hold any other elected public office. A member may not hold an
6 office in a political party or organization. A nonattorney member of the
7 commission may not hold an elected or salaried public office. A
8 nonattorney member may not be an employee of the state or of a
9 political subdivision of the state.

10 (e) A member of the commission is not eligible for appointment to
11 a judicial office in Lake County if the member is a member of the
12 commission and for three (3) years thereafter.

13 (f) If any member of the commission, other than a judge or justice,
14 terminates the member's residence in Lake County, the member is
15 considered to have resigned from the commission.

16 SECTION 16. IC 33-33-45-29 IS REPEALED [EFFECTIVE JULY
17 1, 2012]. Sec. 29: (a) The Lake County board of commissioners shall
18 appoint the four (4) nonattorney members of the commission.

19 (b) One (1) month before the expiration of a term of office of a
20 nonattorney commissioner, an appointment or reappointment shall be
21 made in accordance with section 28 of this chapter. All appointments
22 made by the Lake County board of commissioners shall be certified to
23 the secretary of state, the clerk of the supreme court, and the clerk of
24 Lake circuit court within ten (10) days after the appointment.

25 (c) Each nonattorney member shall be appointed for a term of four
26 (4) years.

27 (d) Whenever a vacancy occurs in the office of a nonattorney
28 commissioner, the chairman of the commission shall promptly notify
29 the Lake County board of commissioners in writing of such fact.
30 Vacancies in the office of nonattorney commissioners shall be filled by
31 appointment of the Lake County board of commissioners within sixty
32 (60) days after notice of the vacancy is received. The term of the
33 nonattorney commissioner appointed is for the unexpired term of the
34 member whose vacancy the new member has filled.

35 SECTION 17. IC 33-33-45-30 IS REPEALED [EFFECTIVE JULY
36 1, 2012]. Sec. 30: (a) Those admitted to the practice of law and residing
37 in Lake County (referred to in this chapter as attorney electors) shall
38 elect four (4) of their number to the commission. To be eligible for the
39 office of attorney commissioner, a person must be on the current annual
40 list of attorneys certified to the clerk of the supreme court and must be
41 a resident of Lake County. The term of office of each elected attorney
42 member is four (4) years, commencing on the first day of October
43 following the attorney member's election. The election day is the date
44 on which the ballots are counted and, for purposes of this section, is the
45 first Tuesday in September 1995, and every four (4) years thereafter.
46 Thereafter, during the month before the expiration of each attorney

1 commissioner's term of office; an election shall be held to fill the
2 succeeding four (4) year term of office:

3 (b) Except when a term of office has less than ninety (90) days
4 remaining, vacancies in the office of an attorney commissioner to the
5 commission shall be filled for the unexpired term of the member
6 creating the vacancy by a special election:

7 SECTION 18. IC 33-33-45-31 IS REPEALED [EFFECTIVE JULY
8 1, 2012]. Sec. 31. The attorney members of the commission shall be
9 elected by the following process:

10 (1) The clerk of the Lake circuit court shall, at least ninety (90)
11 days before the date of election, notify all attorneys in Lake
12 County of the upcoming election by mail, informing them that
13 nominations must be made to the clerk of the circuit court at least
14 sixty (60) days before the election. The clerk shall secure a list of
15 all attorneys and their correct addresses from the clerk of the
16 supreme court.

17 (2) A nomination in writing, accompanied by a signed petition of
18 ten (10) attorney electors, and the written consent of the qualified
19 nominee shall be filed by any attorney elector or group of attorney
20 electors residing in Lake County, by mail or otherwise, in the
21 office of the clerk of the Lake circuit court at least sixty (60) days
22 before the election.

23 (3) The clerk of the Lake circuit court shall prepare and print
24 ballots containing the names and residential addresses of all
25 attorney nominees whose written nominations, petitions, and
26 written statements of consent have been received sixty (60) days
27 before the election.

28 (A) The ballot shall read:

29 "SUPERIOR COURT OF LAKE COUNTY
30 NOMINATING COMMISSION BALLOT

31 To be cast by individuals residing in Lake County and admitted
32 to the practice of law in Indiana. Vote for not more than four (4)
33 of the following candidates for the term commencing _____:

34 (Name)(Address)
35 (Name)(Address)
36 (etc.) (etc.)

37 To be counted, this ballot must be completed, the accompanying
38 certificate completed and signed, and both together mailed or
39 delivered to the clerk of the Lake circuit court not later than
40 _____.

41 "DESTROY BALLOT IF NOT USED".

42 (B) The four (4) nominees receiving the most votes whose
43 election does not conflict with the requirements of section
44 28(b) of this chapter shall be elected.

45 (4) The clerk shall also supply with each ballot distributed by the
46 clerk a certificate, to be completed and signed and returned by the

1 attorney elector voting such ballot; certifying that the attorney
 2 elector is admitted to the practice of law in Indiana; that the
 3 attorney elector resides in Lake County; and that the attorney
 4 elector voted the ballot returned. A ballot not accompanied by the
 5 signed certificate of the voter shall not be counted.

6 (5) To maintain the secrecy of each vote; a separate envelope
 7 shall be provided by the clerk for the ballot; in which only the
 8 voted ballot is to be placed. This envelope shall not be opened
 9 until the counting of the ballots.

10 (6) The clerk of the Lake circuit court shall mail a ballot and its
 11 accompanying material to all qualified attorney electors at least
 12 two (2) weeks before the date of election.

13 (7) Upon receiving the completed ballots and the accompanying
 14 certificate; the clerk shall ensure that the certificates have been
 15 completed in compliance with this chapter. All ballots that are
 16 accompanied by a valid certificate shall be placed in a package
 17 designated to contain ballots. All accompanying certificates shall
 18 be placed in a separate package.

19 (8) The clerk of the Lake circuit court; with the assistance of the
 20 Lake County election board; shall open and canvass all ballots
 21 after 4 p.m. on the day of election in the office of the clerk of the
 22 Lake circuit court. Ballots received after 4 p.m. may not be
 23 counted unless the chairman of the judicial nominating
 24 commission orders an extension of time because of extraordinary
 25 circumstances. Upon canvassing the ballots; the clerk shall place
 26 all ballots back in their package. These; along with the
 27 certificates; shall be retained in the clerk's office for six (6)
 28 months; and the clerk shall permit no one to inspect them except
 29 upon an order of the supreme court.

30 (9) In any election held for selection of attorney members of the
 31 commission; in case two (2) or more nominees are tied so that one
 32 (1) additional vote cast for one (1) of them would give the
 33 nominee a plurality; the canvasser shall resolve the tie by lot and
 34 the winner of the lot is considered to be elected.

35 SECTION 19. IC 33-33-45-32 IS REPEALED [EFFECTIVE JULY
 36 1, 2012]. Sec. 32: After:

37 (1) the attorney members of the commission have been elected;
 38 and

39 (2) the names of the nonattorney commissioners appointed by the
 40 governor have been certified to the secretary of state; clerk of the
 41 supreme court; and clerk of the Lake circuit court as this chapter
 42 provides;

43 the clerk of the Lake circuit court shall by regular mail notify the
 44 members of the commission of their election or appointment and shall
 45 notify the chairman of the judicial nominating commission of the same.

46 SECTION 20. IC 33-33-45-33 IS REPEALED [EFFECTIVE JULY

1, 2012]. Sec. 33: A member of the judicial nominating commission may serve until the member's successor is appointed or elected. An attorney commissioner or a nonattorney commissioner is not eligible for more than two (2) successive reelections or reappointments.

SECTION 21. IC 33-33-45-34 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 34: (a) When a vacancy occurs in the superior court of Lake County, the clerk of the court shall promptly notify the chairman and each member of the commission of the vacancy. The chairman shall call a meeting of the commission within ten (10) days following the notice. The commission shall submit its nominations of three (3) candidates for each vacancy and certify them to the governor as promptly as possible, and not later than sixty (60) days after the vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the governor then serving, but the vacancy has not yet occurred, the clerk shall notify the chairman and each member of the commission immediately of the forthcoming vacancy, and the commission may within fifty (50) days of the notice of the vacancy make its nominations and submit to the governor the names of three (3) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by its chairman or, if the chairman fails to call a necessary meeting, upon the call of any five (5) members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any five (5) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the date, time, and place of every meeting unless the commission at its previous meeting designated the date, time, and place of its next meeting.

(c) Meetings of the commission are to be held at the Lake County government center in Crown Point or another place, as the circuit court clerk of Lake County may arrange, at the direction of the chairman of the commission.

(d) The commission may act only at a public meeting. IC 5-14-1.5 applies to meetings of the commission. The commission may not meet in executive session under IC 5-14-1.5-6.1 for the consideration of a candidate for judicial appointment.

(e) The commission may act only by the concurrence of a majority of its members attending a meeting. Five (5) members constitute a quorum at a meeting.

(f) The commission may adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties. These rules must provide for the receipt of public testimony concerning the qualifications of candidates for nomination to the governor.

SECTION 22. IC 33-33-45-35 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 35: In selecting the three (3) nominees to be submitted

1 to the governor; the commission shall comply with the following
2 requirements:

3 (1) The commission shall submit only the names of the three (3)
4 most highly qualified candidates from among all those eligible
5 individuals considered. To be eligible for nomination as a judge
6 of the superior court of Lake County, a person must be domiciled
7 in the county of Lake; a citizen of the United States; and admitted
8 to the practice of law in Indiana.

9 (2) In abiding by the mandate in subdivision (1), the commission
10 shall evaluate in writing each eligible individual on the following
11 factors:

12 (A) Law school record, including any academic honors and
13 achievements.

14 (B) Contribution to scholarly journals and publications;
15 legislative drafting; and legal briefs.

16 (C) Activities in public service, including:

17 (i) writings and speeches concerning public or civic affairs
18 that are on public record, including but not limited to
19 campaign speeches or writings; letters to newspapers; and
20 testimony before public agencies;

21 (ii) government service;

22 (iii) efforts and achievements in improving the
23 administration of justice; and

24 (iv) other conduct relating to the individual's profession.

25 (D) Legal experience, including the number of years of
26 practicing law, the kind of practice involved, and reputation as
27 a trial lawyer or judge.

28 (E) Probable judicial temperament.

29 (F) Physical condition, including age, stamina, and possible
30 habitual intemperance.

31 (G) Personality traits, including the exercise of sound
32 judgment, ability to compromise and conciliate, patience,
33 decisiveness, and dedication.

34 (H) Membership on boards of directors, financial interests, and
35 any other consideration that might create conflict of interest
36 with a judicial office.

37 (I) Any other pertinent information that the commission feels
38 is important in selecting the best qualified individuals for
39 judicial office.

40 (3) These written evaluations shall not be made on an individual
41 until the individual states in writing that the individual desires to
42 hold a judicial office that is or will be created by vacancy.

43 (4) The political affiliations of any candidate may not be
44 considered by the commission in evaluating and determining
45 which eligible candidates shall be recommended to the governor
46 for a vacancy on the superior court of Lake County.

1 (5) In determining which eligible candidates are recommended to
 2 the governor, the commission shall consider that racial and gender
 3 diversity enhances the quality of the judiciary.

4 SECTION 23. IC 33-33-45-36 IS REPEALED [EFFECTIVE JULY
 5 1, 2012]. Sec. 36: (a) The commission shall submit with the list of three
 6 (3) nominees to the governor its written evaluation of the qualifications
 7 of each candidate:

8 (b) The names of the nominees and the written evaluations are
 9 public records that may be inspected and copied under IC 5-14-3.

10 (c) Every eligible candidate whose name was not submitted to the
 11 governor shall have access to any evaluation on the candidate by the
 12 commission and the right to make such evaluation public:

13 (d) Records specifically prepared for discussion or developed during
 14 discussion in an executive session under IC 5-14-1.5-6.1 are excepted
 15 from public disclosure, unless the records are prepared for use in the
 16 consideration of a candidate for judicial appointment.

17 SECTION 24. IC 33-33-45-37 IS REPEALED [EFFECTIVE JULY
 18 1, 2012]. Sec. 37: (a) After the commission has nominated and
 19 submitted to the governor the names of three (3) persons for
 20 appointment to fill a vacancy of the superior court of Lake County:

21 (1) any name may be withdrawn for cause considered by the
 22 commission to be of a substantial nature affecting the nominee's
 23 qualifications to hold office; and

24 (2) another name may be substituted;
 25 before the appointment is made to fill the vacancy:

26 (b) If a nominee dies or requests in writing that the nominee's name
 27 be withdrawn, the commission shall nominate another person to replace
 28 the nominee:

29 (c) If two (2) or more vacancies exist, the commission shall
 30 nominate and submit to the governor a list of three (3) different persons
 31 for each of the vacancies. The commission may, before an appointment
 32 is made, withdraw the lists of nominations, change the names of any
 33 persons nominated from one (1) list to another, and resubmit them as
 34 changed; or may substitute a new name for any of those previously
 35 nominated:

36 SECTION 25. IC 33-33-45-38 IS REPEALED [EFFECTIVE JULY
 37 1, 2012]. Sec. 38: (a) A vacancy occurring on the court shall be filled
 38 by appointment of the governor from a list of three (3) nominees
 39 presented to the governor by the judicial nominating commission. If the
 40 governor fails to make an appointment from the list within sixty (60)
 41 days after the day it is presented to the governor, the appointment shall
 42 be made by the chief justice or the acting chief justice of the supreme
 43 court from the same list, or altered list as provided for in section 37 of
 44 this chapter:

45 (b) The governor shall make all appointments to the court without
 46 regard to the political affiliation of any of the three (3) nominees

1 submitted to the governor. In the interest of justice, the governor shall
 2 consider only those qualifications of the nominees included in section
 3 35 of this chapter.

4 SECTION 26. IC 33-33-45-40 IS REPEALED [EFFECTIVE JULY
 5 1, 2012]. Sec. 40: An appointment by the governor or chief justice, as
 6 required by section 38 of this chapter, to the superior court of Lake
 7 County takes effect immediately if a vacancy exists at the date of the
 8 appointment. The appointment takes effect on the date the vacancy is
 9 created if a vacancy does not exist at the date of appointment.

10 SECTION 27. IC 33-33-45-41 IS REPEALED [EFFECTIVE JULY
 11 1, 2012]. Sec. 41: (a) Each judge appointed under section 38 of this
 12 chapter serves an initial term, which begins on the effective date of the
 13 appointment of the judge and continues through December 31 in the
 14 year of the general election that follows the expiration of two (2) years
 15 after the effective date of the judge's appointment.

16 (b) Unless rejected by the electorate of Lake County under section
 17 42 of this chapter, a judge of the superior court shall serve successive
 18 six (6) year terms.

19 (c) Each six (6) year term begins on the first day of January
 20 following the expiration of the preceding initial term or the preceding
 21 six (6) year term, as the case may be, and continues for six (6) years.

22 SECTION 28. IC 33-33-45-42 IS REPEALED [EFFECTIVE JULY
 23 1, 2012]. Sec. 42: (a) The question of the retention in office or rejection
 24 of each judge of the superior court of Lake County shall be submitted
 25 to the electorate of Lake County at the general election immediately
 26 preceding expiration of the term of the judge.

27 (b) At the general election, the question of the retention in office or
 28 rejection of a judge described in subsection (a) shall be submitted to
 29 the electorate of Lake County in the form prescribed by IC 3-11 and
 30 must state "Shall Judge (insert name) of the superior court of Lake
 31 County be retained in office for an additional term?"

32 (c) If a majority of the ballots cast by the electors voting on any
 33 question is "Yes", the judge whose name appeared on the question shall
 34 be approved for a six (6) year term beginning January 1 following the
 35 general election as provided in section 41(b) of this chapter.

36 (d) If a majority of the ballots cast by the electors voting on any
 37 question is "No", the judge whose name appeared on the question shall
 38 be rejected. The office of the rejected judge is vacant on January 1
 39 following the rejection. The vacancy shall be filled by appointment by
 40 the governor under section 38 of this chapter.

41 (e) The Lake County election board shall submit the question of the
 42 retention in office or rejection of a judge described in subsection (a) to
 43 the electorate of Lake County. The submission of the question is
 44 subject to the provisions of IC 3 that are not inconsistent with this
 45 chapter.

46 (f) If a judge who is appointed does not desire to serve any further

1 term, the judge shall notify in writing the clerk of the Lake circuit court
2 at least sixty (60) days before any general election; in which case the
3 question of that judge's retention in office or rejection shall not be
4 submitted to the electorate, and the office becomes vacant at the
5 expiration of the term.

6 SECTION 29. IC 33-33-45-44, AS AMENDED BY P.L.201-2011,
7 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2012]: Sec. 44. (a) A judge of the superior court may not
9 during a term of office as judge of the superior court ~~do any of the~~
10 following:

11 (1) engage in the practice of law.

12 (2) Run for elective office.

13 (3) Take part in any political campaign.

14 (b) Failure to comply with this section is sufficient cause for the
15 commission on judicial qualifications to recommend to the supreme
16 court that the judge be censured or removed.

17 (c) A political party may not directly or indirectly campaign for or
18 against a judge subject to retention or rejection under this chapter."

19 Page 34, between lines 8 and 9, begin a new paragraph and insert:

20 "SECTION 48. [EFFECTIVE JULY 1, 2012] (a) **Notwithstanding**
21 **the amendment and repeal of provisions in IC 33-33-45 by this act,**
22 **the term of a judge in office in the Lake County superior court on**
23 **June 30, 2012, including a judge of the county division, terminates**
24 **on the date that the term would have terminated under the law in**
25 **effect on June 30, 2012.**

26 (b) **Notwithstanding P.L.226-2011, SECTION 119, the initial**
27 **election under IC 33-33-45, as amended by this act, to fill a judge's**
28 **position on the Lake County superior court, including a judge of**
29 **the county division, is the general election immediately preceding**
30 **the date on which the term of the judge occupying the position on**
31 **June 30, 2012, would have terminated under the law in effect on**
32 **June 30, 2012.**

33 (c) **This SECTION expires January 2, 2018."**

34 Renumber all SECTIONS consecutively.

(Reference is to SB 110 as reprinted January 20, 2012.)

Senator TAYLOR