HOUSE BILL No. 1321

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-2-8; IC 33-33.

Synopsis: Judge retention votes. Provides that each county election board shall include information related to justices and judges subject to a judicial retention election in its notice of a general election along with a reminder to voters to vote in judicial retention elections. Provides that if a county election board has an Internet web site, it shall publish links to the information on its Internet web site. Makes a technical correction by adding the judge of the tax court to a judicial retention statute. (Under current law, other judicial retention statutes include the judge of the tax court.) Requires Lake County and St. Joseph County to remind voters to vote in judicial retention elections and to post links to information on judges subject to retention in those counties on each respective county's Internet web site.

Effective: July 1, 2017.

Brown C

January 12, 2017, read first time and referred to Committee on Elections and Apportionment.

2017

First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
 Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
 Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1321

    A BILL FOR AN ACT to amend the Indiana Code concerning elections.

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

1   SECTION 1. IC 3-10-2-8 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2017]: Sec. 8. **(a)** Justices of the supreme court,
3 ~~and~~ judges of the court of appeals, **and the judge of the tax court** shall
4 stand for approval or rejection by their respective electorates:
5   (1) at the first general election that occurs at least two (2) years
6   after their appointments; and
7   (2) at the general election every ten (10) years thereafter;
8 in accordance with Article 7, Section 11 of the Constitution of the State
9 of Indiana.
10   **(b) Each county election board shall include information related**
11 **to judicial retention elections for voters in the notice described in**
12 **section 2 of this chapter. The notice must include the following:**
13   **(1) The names of justices and judges subject to retention.**
14   **(2) Links to resources for the public to obtain further**

1 **information related to justices or judges subject to retention.**
2 **(3) A reminder to voters to vote in judicial retention elections.**
3 **If the county election board has an Internet web site, the county**
4 **election board shall publish links for the resources on its Internet**
5 **web site.**
6 SECTION 2. IC 33-33-45-42, AS AMENDED BY P.L.201-2011,
7 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2017]: Sec. 42. (a) The question of the retention in office or
9 rejection of each judge of the superior court of Lake County shall be
10 submitted to the electorate of Lake County at the general election
11 immediately preceding expiration of the term of the judge. **The Lake**
12 **County board of elections and registration shall post links to the**
13 **resources described in IC 3-10-2-8(b) for each judge of the superior**
14 **court who is subject to retention on the board's Internet web site**
15 **and remind voters to vote in local and statewide judicial retention**
16 **elections.**
17 (b) At the general election, the question of the retention in office or
18 rejection of a judge described in subsection (a) shall be submitted to
19 the electorate of Lake County in the form prescribed by IC 3-11 and
20 must state "Shall Judge (insert name) of the superior court of Lake
21 County be retained in office for an additional term?".
22 (c) If a majority of the ballots cast by the electors voting on any
23 question is "Yes", the judge whose name appeared on the question shall
24 be approved for a six (6) year term beginning January 1 following the
25 general election as provided in section 41(b) of this chapter.
26 (d) If a majority of the ballots cast by the electors voting on any
27 question is "No", the judge whose name appeared on the question shall
28 be rejected. The office of the rejected judge is vacant on January 1
29 following the rejection. The vacancy shall be filled by appointment by
30 the governor under section 38 of this chapter.
31 (e) The Lake County election board shall submit the question of the
32 retention in office or rejection of a judge described in subsection (a) to
33 the electorate of Lake County. The submission of the question is
34 subject to the provisions of IC 3 that are not inconsistent with this
35 chapter.
36 (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 3. IC 33-33-71-43, AS AMENDED BY P.L.58-2005,

7   SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

8   JULY 1, 2017]: Sec. 43. (a) The question of the retention in office or

9   rejection of each judge of the St. Joseph superior court shall be

10   submitted to the electorate of St. Joseph County at the general election

11   immediately preceding expiration of the term of that judge. **The St.**

12   **Joseph County election board shall post links to resources**

13   **described in IC 3-10-2-8(b) for each judge of the superior court**

14   **who is subject to retention on the county election board's Internet**

15   **web site and remind voters to vote in local and statewide judicial**

16   **retention elections.**

17   (b) If a judge subject to this chapter does not desire to serve a

18   further term, the judge shall notify the judge's intention in writing to the

19   clerk of the St. Joseph circuit court at least sixty (60) days before the

20   general election immediately preceding expiration of the judge's term

21   in which case the question of the judge's retention in office or rejection

22   may not be submitted to the electorate, and the office is vacant at the

23   expiration of the term.**.**

24   (c) The St. Joseph County election board shall submit the question

25   of the retention in office or rejection of any judge to the electorate of

26   St. Joseph County. The submission of this question is subject to the

27   provisions of IC 3 that are not inconsistent with this chapter.

28   (d) At the general election, the question of the retention in office or

29   rejection of a judge shall be submitted to the electorate of St. Joseph

30   County in the form prescribed by IC 3-11 and must state "Shall Judge

31   (insert name) of the St. Joseph superior court be retained in office for

32   an additional term?".

33   (e) If a majority of the ballots cast by the electors voting on the

34   question is "No", the judge whose name appeared on such question is

35   rejected. The office of the rejected judge is vacant on January 1

36   following the rejection. The vacancy shall be filled by appointment of

1   the governor under section 40 of this chapter. The name of the rejected
2   judge may not be included among those submitted to the governor.
3   However, the judge's rejection does not disqualify a rejected judge
4   from being considered for another judicial office that becomes vacant.