

SENATE BILL No. 31

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-13-6-1; IC 5-8-1-19; IC 33-23-1-7; IC 33-29-1.9; IC 33-33-45.

Synopsis: Election of Lake County superior court judges. Provides that the superior court judges of Lake County are elected as are other superior court judges. Provides that the change to the election of a judge does not occur until the general election that occurs immediately before the expiration of the term of a judge sitting on the court under current law. Repeals superseded provisions.

Effective: July 1, 2021.

Randolph Lonnie M

January 4, 2021, read first time and referred to Committee on Judiciary.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 31

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

- 1 SECTION 1. IC 3-13-6-1, AS AMENDED BY P.L.278-2019,
2 SECTION 156, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) As used in this section,
4 "judge" refers to a judge of a circuit, superior, or probate court.
5 (b) If a judge wants to resign from office, the judge must resign as
6 provided in IC 5-8-3.5.
7 (c) A vacancy that occurs because of the death of a judge may be
8 certified to the governor under IC 5-8-6.
9 (d) A vacancy that occurs, other than by resignation or death of a
10 judge, shall be certified to the governor by the circuit court clerk of the
11 county in which the judge resided.
12 (e) A vacancy in the office of judge of a circuit court shall be filled
13 by the governor as provided by Article 5, Section 18 of the Constitution
14 of the State of Indiana. However, the governor may not fill a vacancy
15 that occurs because of the death of a judge until the governor receives
16 notice of the death under IC 5-8-6.
17 (f) The person who is appointed holds the office until:



1 (1) the end of the unexpired term; or
 2 (2) a successor is elected at the next general election for the
 3 office, and qualified;
 4 whichever occurs first.

5 (g) Except in a year in which the office is scheduled to be placed on
 6 the ballot, and except as provided in this subsection, the office of judge
 7 of the circuit court shall be elected at the next general election
 8 following the date any vacancy occurred. If a vacancy occurs in the
 9 office of judge of the circuit court after noon seventy-four (74) days
 10 before a general election, the office shall be elected at the second
 11 general election following the date any vacancy occurred.

12 (h) The person elected at the general election following an
 13 appointment to fill the vacancy, upon being qualified, holds office for
 14 the six (6) year term prescribed by Article 7, Section 7 of the
 15 Constitution of the State of Indiana and until a successor is elected and
 16 qualified.

17 (i) A vacancy in the office of judge of a superior or probate court
 18 shall be filled by the governor subject to the following:

- 19 (1) IC 33-33-2-39.
 20 (2) IC 33-33-2-43.
 21 ~~(3) IC 33-33-45-38.~~
 22 ~~(4) (3) IC 33-33-71-40.~~
 23 ~~(5) (4) IC 33-33-49-13.4.~~

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

28 SECTION 2. IC 5-8-1-19, AS AMENDED BY P.L.201-2011,
 29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2021]: Sec. 19. (a) Under Article 7, Section 13 of the
 31 Constitution of the State of Indiana, whenever a circuit, superior, or
 32 probate court judge or prosecuting attorney has been convicted of
 33 corruption or any other high crime, the attorney general shall bring
 34 proceedings in the supreme court, on information, in the name of the
 35 state, for the removal from office of the judge or prosecuting attorney.

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

- 39 (1) IC 33-33-2-39;
 40 (2) IC 33-33-2-43; **and**
 41 ~~(3) IC 33-33-45-38; and~~
 42 ~~(4) (3) IC 33-33-71-40;~~



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

2 SECTION 3. IC 33-23-1-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. "Judicial nominating
4 commission", except as used in IC 33-33-2 ~~IC 33-33-45~~; and
5 IC 33-33-71, means the commission described in Article 7, Section 9
6 of the Constitution of the State of Indiana.

7 SECTION 4. IC 33-29-1.9 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2021]:

10 **Chapter 1.9. Transition to Election of Judges**

11 **Sec. 1. (a) As used in this section, "judge" refers to an individual**
12 **who holds the office of judge of the Lake County superior court on**
13 **June 30, 2021.**

14 **(b) Notwithstanding the amendment and repeal of provisions in**
15 **IC 33-33-45 relating to the election of Lake County superior court**
16 **judges by legislation enacted during the 2021 session of the general**
17 **assembly, the term of a judge does not terminate until the date that**
18 **the term of the judge would have terminated under IC 33-33-45, as**
19 **in effect on June 30, 2021.**

20 **(c) The initial election under IC 33-33-45, as in effect after June**
21 **30, 2021, to fill a judge's position on the Lake County superior**
22 **court is the general election immediately preceding the date on**
23 **which the term of the judge occupying the position on June 30,**
24 **2021, would have terminated under IC 33-33-45, as in effect on**
25 **June 30, 2021.**

26 **Sec. 2. This chapter expires July 1, 2028.**

27 SECTION 5. IC 33-33-45-3 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. **(a)** There is
29 established a superior court in Lake County (referred to as "the court"
30 in this chapter).

31 **(b) The court consists of the following:**

32 **(1) Sixteen (16) judges, each of whom shall be elected at a**
33 **general election every six (6) years in Lake County.**

34 **(2) The Lake County circuit court judge, if the circuit court**
35 **judge chooses to sit on the Lake County superior court.**

36 **(c) The term of a judge described in subsection (b)(1) begins**
37 **January 1 following the judge's election and extends through**
38 **December 31 following the election of the judge's successor.**

39 **(d) To be eligible to hold office as a judge of the court, an**
40 **individual must be:**

41 **(1) a resident of Lake County; and**

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



1 **(e) A candidate for judge shall be nominated as candidates for**
 2 **judge of other superior courts are nominated under IC 3-8.**

3 SECTION 6. IC 33-33-45-21, AS AMENDED BY P.L.201-2011,
 4 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 21. (a) The court is divided into civil (including
 6 probate), criminal, county, and juvenile divisions. The work of the
 7 court shall be divided among the divisions by the rules of the court.

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

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

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

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

34 SECTION 7. IC 33-33-45-25 IS REPEALED [EFFECTIVE JULY
 35 1, 2021]. Sec. 25: (a) At the general election immediately preceding the
 36 expiration of a judge's extended term, the question of that judge's
 37 retention in office or rejection shall be submitted to the electorate of
 38 Lake County under section 42 of this chapter. Thereafter, unless
 39 rejected by the electorate, each judge shall serve successive terms as
 40 provided in section 41(b) of this chapter.

41 (b) A judge of the county division serving on June 30, 2011, is
 42 subject to the question of the judge's retention in office or rejection as



1 provided in subsection (a) at the expiration of the judge's term of office
2 under the law in effect on June 30, 2011.

3 SECTION 8. IC 33-33-45-26 IS REPEALED [EFFECTIVE JULY
4 1, 2021]. Sec. 26: The superior court of Lake County consists of sixteen
5 (16) judges plus the Lake circuit court judge if the circuit court judge
6 chooses to sit on the superior court of Lake County.

7 SECTION 9. IC 33-33-45-27 IS REPEALED [EFFECTIVE JULY
8 1, 2021]. Sec. 27: (a) There is established a judicial nominating
9 commission for the superior court of Lake County; the functions,
10 responsibilities; and procedures of which are set forth in sections 28
11 through 37 of this chapter.

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

19 SECTION 10. IC 33-33-45-28 IS REPEALED [EFFECTIVE JULY
20 1, 2021]. Sec. 28: (a) The judicial nominating commission (referred to
21 in this chapter as the commission) consists of nine (9) members; the
22 majority of whom form a quorum. The chief justice of the supreme
23 court (or a justice of the supreme court or judge of the court of appeals
24 designated by the chief justice) shall be a member and shall act as
25 chairman.

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

- 29 (1) At least one (1) attorney member must be a minority
30 individual (as defined in IC 21-13-1-6).
31 (2) Two (2) attorney members must be women.
32 (3) Two (2) attorney members must be men.

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

- 35 (1) Each of the three (3) county commissioners shall appoint one
36 (1) nonattorney member who is a resident of the appointing
37 commissioner's district.
38 (2) After each county commissioner has had the opportunity to
39 make the county commissioner's appointment, the fourth
40 nonattorney member must be appointed by a majority vote of the
41 Lake County board of commissioners.
42 (3) At least one (1) nonattorney member must be a minority



1 individual (as defined in IC 21-13-1-6);

2 (4) Two (2) nonattorney members must be women;

3 (5) Two (2) nonattorney members must be men;

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

6 The appointees must reflect the composition of the community. If the
7 Lake County board of commissioners fails to appoint any of the
8 nonattorney commission members within the time required to do so in
9 section 29 of this chapter, the appointment shall be made by the chief
10 justice of the supreme court.

11 (d) A member of the commission, other than a judge or justice, may
12 not hold any other elected public office. A member may not hold an
13 office in a political party or organization. A nonattorney member of the
14 commission may not hold an elected or salaried public office. A
15 nonattorney member may not be an employee of the state or of a
16 political subdivision of the state.

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

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

23 SECTION 11. IC 33-33-45-29 IS REPEALED [EFFECTIVE JULY
24 1, 2021]. Sec. 29: (a) The Lake County board of commissioners shall
25 appoint the four (4) nonattorney members of the commission.

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

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

34 (d) Whenever a vacancy occurs in the office of a nonattorney
35 commissioner, the chairman of the commission shall promptly notify
36 the Lake County board of commissioners in writing of such fact.
37 Vacancies in the office of nonattorney commissioners shall be filled by
38 appointment of the Lake County board of commissioners within sixty
39 (60) days after notice of the vacancy is received. The term of the
40 nonattorney commissioner appointed is for the unexpired term of the
41 member whose vacancy the new member has filled.

42 SECTION 12. IC 33-33-45-30 IS REPEALED [EFFECTIVE JULY



1 1, 2021]. Sec. 30: (a) Those admitted to the practice of law and residing
 2 in Lake County (referred to in this chapter as attorney electors) shall
 3 elect four (4) of their number to the commission. To be eligible for the
 4 office of attorney commissioner, a person must be on the current annual
 5 list of attorneys certified to the clerk of the supreme court and must be
 6 a resident of Lake County. The term of office of each elected attorney
 7 member is four (4) years, commencing on the first day of October
 8 following the attorney member's election. The election day is the date
 9 on which the ballots are counted and, for purposes of this section, is the
 10 first Tuesday in September 1995, and every four (4) years thereafter.
 11 Thereafter, during the month before the expiration of each attorney
 12 commissioner's term of office, an election shall be held to fill the
 13 succeeding four (4) year term of office.

14 (b) Except when a term of office has less than ninety (90) days
 15 remaining, vacancies in the office of an attorney commissioner to the
 16 commission shall be filled for the unexpired term of the member
 17 creating the vacancy by a special election.

18 SECTION 13. IC 33-33-45-31 IS REPEALED [EFFECTIVE JULY
 19 1, 2021]. Sec. 31: The attorney members of the commission shall be
 20 elected by the following process:

21 (1) The clerk of the Lake circuit court shall, at least ninety (90)
 22 days before the date of election, notify all attorneys in Lake
 23 County of the upcoming election by mail, informing them that
 24 nominations must be made to the clerk of the circuit court at least
 25 sixty (60) days before the election. The clerk shall secure a list of
 26 all attorneys and their correct addresses from the clerk of the
 27 supreme court.

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

34 (3) The clerk of the Lake circuit court shall prepare and print
 35 ballots containing the names and residential addresses of all
 36 attorney nominees whose written nominations, petitions, and
 37 written statements of consent have been received sixty (60) days
 38 before the election.

39 (A) The ballot shall read:

40 "SUPERIOR COURT OF LAKE COUNTY
 41 NOMINATING COMMISSION BALLOT

42 To be cast by individuals residing in Lake County and admitted



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to the practice of law in Indiana. Vote for not more than four (4) of the following candidates for the term commencing _____.

(Name) (Address)
(Name) (Address)
(etc.) (etc.)

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

DESTROY BALLOT IF NOT USED¹:

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

(4) The clerk shall also supply with each ballot distributed by the clerk a certificate, to be completed and signed and returned by the attorney elector voting such ballot, certifying that the attorney elector is admitted to the practice of law in Indiana, that the attorney elector resides in Lake County, and that the attorney elector voted the ballot returned. A ballot not accompanied by the signed certificate of the voter shall not be counted.

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

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

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

(8) The clerk of the Lake circuit court, with the assistance of the Lake County election board, shall open and canvass all ballots after 4 p.m. on the day of election in the office of the clerk of the Lake circuit court. Ballots received after 4 p.m. may not be counted unless the chairman of the judicial nominating commission orders an extension of time because of extraordinary circumstances. Upon canvassing the ballots, the clerk shall place all ballots back in their package. These, along with the certificates, shall be retained in the clerk's office for six (6)



1 months; and the clerk shall permit no one to inspect them except
2 upon an order of the supreme court.

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

8 SECTION 14. IC 33-33-45-32 IS REPEALED [EFFECTIVE JULY
9 1, 2021]. Sec. 32: After:

10 (1) the attorney members of the commission have been elected;
11 and

12 (2) the names of the nonattorney commissioners appointed by the
13 governor have been certified to the secretary of state; clerk of the
14 supreme court; and clerk of the Lake circuit court as this chapter
15 provides;

16 the clerk of the Lake circuit court shall by regular mail notify the
17 members of the commission of their election or appointment and shall
18 notify the chairman of the judicial nominating commission of the same.

19 SECTION 15. IC 33-33-45-33 IS REPEALED [EFFECTIVE JULY
20 1, 2021]. Sec. 33: A member of the judicial nominating commission
21 may serve until the member's successor is appointed or elected. An
22 attorney commissioner or a nonattorney commissioner is not eligible
23 for more than two (2) successive reelections or reappointments.

24 SECTION 16. IC 33-33-45-34 IS REPEALED [EFFECTIVE JULY
25 1, 2021]. Sec. 34: (a) When a vacancy occurs in the superior court of
26 Lake County, the clerk of the court shall promptly notify the chairman
27 and each member of the commission of the vacancy. The chairman
28 shall call a meeting of the commission within ten (10) days following
29 the notice. The commission shall submit its nominations of three (3)
30 candidates for each vacancy and certify them to the governor as
31 promptly as possible; and not later than sixty (60) days after the
32 vacancy occurs. When it is known that a vacancy will occur at a
33 definite future date within the term of the governor then serving; but
34 the vacancy has not yet occurred; the clerk shall notify the chairman
35 and each member of the commission immediately of the forthcoming
36 vacancy; and the commission may within fifty (50) days of the notice
37 of the vacancy make its nominations and submit to the governor the
38 names of three (3) persons nominated for the forthcoming vacancy.

39 (b) Meetings of the commission shall be called by its chairman or;
40 if the chairman fails to call a necessary meeting; upon the call of any
41 five (5) members of the commission. The chairman, whenever the
42 chairman considers a meeting necessary; or upon the request by any



1 five (5) members of the commission for a meeting; shall give each
 2 member of the commission at least five (5) days written notice by mail
 3 of the date, time, and place of every meeting unless the commission at
 4 its previous meeting designated the date, time, and place of its next
 5 meeting:

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

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

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

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

22 SECTION 17. IC 33-33-45-35 IS REPEALED [EFFECTIVE JULY
 23 1, 2021]. Sec. 35: In selecting the three (3) nominees to be submitted
 24 to the governor; the commission shall comply with the following
 25 requirements:

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

32 (2) In abiding by the mandate in subdivision (1); the commission
 33 shall evaluate in writing each eligible individual on the following
 34 factors:

35 (A) Law school record; including any academic honors and
 36 achievements.

37 (B) Contribution to scholarly journals and publications;
 38 legislative drafting; and legal briefs.

39 (C) Activities in public service; including:

40 (i) writings and speeches concerning public or civic affairs
 41 that are on public record; including but not limited to
 42 campaign speeches or writings; letters to newspapers; and



- 1 testimony before public agencies;
 2 (ii) government service;
 3 (iii) efforts and achievements in improving the administration
 4 of justice; and
 5 (iv) other conduct relating to the individual's profession.
 6 (D) Legal experience, including the number of years of
 7 practicing law, the kind of practice involved, and reputation as
 8 a trial lawyer or judge.
 9 (E) Probable judicial temperament.
 10 (F) Physical condition, including age, stamina, and possible
 11 habitual intemperance.
 12 (G) Personality traits, including the exercise of sound judgment,
 13 ability to compromise and conciliate, patience, decisiveness,
 14 and dedication.
 15 (H) Membership on boards of directors, financial interests, and
 16 any other consideration that might create conflict of interest
 17 with a judicial office.
 18 (I) Any other pertinent information that the commission feels is
 19 important in selecting the best qualified individuals for judicial
 20 office.
 21 (3) These written evaluations shall not be made on an individual
 22 until the individual states in writing that the individual desires to
 23 hold a judicial office that is or will be created by vacancy.
 24 (4) The political affiliations of any candidate may not be
 25 considered by the commission in evaluating and determining
 26 which eligible candidates shall be recommended to the governor
 27 for a vacancy on the superior court of Lake County.
 28 (5) In determining which eligible candidates are recommended to
 29 the governor, the commission shall consider that racial and gender
 30 diversity enhances the quality of the judiciary.
 31 SECTION 18. IC 33-33-45-36 IS REPEALED [EFFECTIVE JULY
 32 1, 2021]. Sec. 36: (a) The commission shall submit with the list of three
 33 (3) nominees to the governor its written evaluation of the qualifications
 34 of each candidate.
 35 (b) The names of the nominees and the written evaluations are
 36 public records that may be inspected and copied under IC 5-14-3.
 37 (c) Every eligible candidate whose name was not submitted to the
 38 governor shall have access to any evaluation on the candidate by the
 39 commission and the right to make such evaluation public.
 40 (d) Records specifically prepared for discussion or developed during
 41 discussion in an executive session under IC 5-14-1.5-6.1 are exempted
 42 from public disclosure, unless the records are prepared for use in the



1 consideration of a candidate for judicial appointment.

2 SECTION 19. IC 33-33-45-37 IS REPEALED [EFFECTIVE JULY
3 1, 2021]. Sec. 37: (a) After the commission has nominated and
4 submitted to the governor the names of three (3) persons for
5 appointment to fill a vacancy of the superior court of Lake County:

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

9 (2) another name may be substituted;

10 before the appointment is made to fill the vacancy.

11 (b) If a nominee dies or requests in writing that the nominee's name
12 be withdrawn, the commission shall nominate another person to replace
13 the nominee.

14 (c) If two (2) or more vacancies exist, the commission shall
15 nominate and submit to the governor a list of three (3) different persons
16 for each of the vacancies. The commission may, before an appointment
17 is made, withdraw the lists of nominations, change the names of any
18 persons nominated from one (1) list to another, and resubmit them as
19 changed; or may substitute a new name for any of those previously
20 nominated.

21 SECTION 20. IC 33-33-45-38 IS REPEALED [EFFECTIVE JULY
22 1, 2021]. Sec. 38: (a) A vacancy occurring on the court shall be filled
23 by appointment of the governor from a list of three (3) nominees
24 presented to the governor by the judicial nominating commission. If the
25 governor fails to make an appointment from the list within sixty (60)
26 days after the day it is presented to the governor, the appointment shall
27 be made by the chief justice or the acting chief justice of the supreme
28 court from the same list, or altered list as provided for in section 37 of
29 this chapter.

30 (b) The governor shall make all appointments to the court without
31 regard to the political affiliation of any of the three (3) nominees
32 submitted to the governor. In the interest of justice, the governor shall
33 consider only those qualifications of the nominees included in section
34 35 of this chapter.

35 SECTION 21. IC 33-33-45-40 IS REPEALED [EFFECTIVE JULY
36 1, 2021]. Sec. 40: An appointment by the governor or chief justice, as
37 required by section 38 of this chapter, to the superior court of Lake
38 County takes effect immediately if a vacancy exists at the date of the
39 appointment. The appointment takes effect on the date the vacancy is
40 created if a vacancy does not exist at the date of appointment.

41 SECTION 22. IC 33-33-45-41 IS REPEALED [EFFECTIVE JULY
42 1, 2021]. Sec. 41: (a) Each judge appointed under section 38 of this



1 chapter serves an initial term, which begins on the effective date of the
 2 appointment of the judge and continues through December 31 in the
 3 year of the general election that follows the expiration of two (2) years
 4 after the effective date of the judge's appointment.

5 (b) Unless the judge:

6 (1) is rejected by the electorate of Lake County; or

7 (2) does not file the statement required;

8 under section 42 of this chapter, a judge of the superior court shall
 9 serve successive six (6) year terms.

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

13 SECTION 23. IC 33-33-45-42 IS REPEALED [EFFECTIVE JULY
 14 1, 2021]. Sec. 42: (a) The question of the retention in office or rejection
 15 of each judge of the superior court of Lake County shall be submitted
 16 to the electorate of Lake County at the general election immediately
 17 preceding expiration of the term of the judge.

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

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

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

32 (e) The Lake County election board shall submit the question of the
 33 retention in office or rejection of a judge described in subsection (a) to
 34 the electorate of Lake County. The submission of the question is
 35 subject to the provisions of IC 3 that are not inconsistent with this
 36 chapter.

37 (f) A judge who wishes to be retained in office shall file a statement
 38 with the secretary of state, not later than noon July 15 of the year in
 39 which the question of retention of the judge is to be placed on the
 40 general election ballot, indicating that the judge wishes to have the
 41 question of the judge's retention placed on the ballot. The judge's
 42 statement must include a statement of the judge's name as:



1 (1) the judge wants the judge's name to appear on the ballot; and
2 (2) the candidate's name is permitted to appear on the ballot under
3 IC 3-5-7.
4 (g) If a judge does not file the statement required under subsection
5 (f), the question of that judge's retention in office or rejection shall not
6 be submitted to the electorate; and the office becomes vacant at the
7 expiration of the term.
8 SECTION 24. IC 33-33-45-44 IS REPEALED [EFFECTIVE JULY
9 1, 2021]. Sec. 44. (a) A judge of the superior court may not during a
10 term of office as judge of the superior court do any of the 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.

