

SENATE BILL No. 147

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-7-16; 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 Repeals superseded provisions.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, 2023.

Randolph Lonnie M

January 9, 2023, read first time and referred to Committee on Elections.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 147

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 3-8-7-16, AS AMENDED BY P.L.193-2021,
- 2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2023]: Sec. 16. (a) This section does not apply to the
- 4 certification of nominees under IC 3-10-4-5.
- 5 (b) The election division shall certify the following to each county
- 6 election board not later than noon seventy-four (74) days before a
- 7 general election:
- 8 (1) The name and place of residence of each person nominated for
- 9 election to:
- 10 (A) an office for which the electorate of the whole state may
- 11 vote;
- 12 (B) the United States House of Representatives;
- 13 (C) a legislative office; or
- 14 (D) a local office for which a declaration of candidacy must be
- 15 filed with the election division under IC 3-8-2.
- 16 (2) The name of each:
- 17 (A) justice of the supreme court;



- 1 (B) judge of the court of appeals;
 2 (C) judge of the tax court; and
 3 (D) judge of a circuit or superior court;
 4 who is subject to a retention vote by the electorate and who has
 5 filed a statement under IC 33-24-2, IC 33-25-2, ~~IC 33-33-45~~;
 6 IC 33-33-49, or IC 33-33-71 indicating that the justice or judge
 7 wishes to have the question of the justice's or judge's retention
 8 placed on the ballot.
- 9 (c) Subject to compliance with section 11 of this chapter, the
 10 election division shall designate the device under which the list of
 11 candidates of each political party will be printed and the order in which
 12 the political party ticket will be arranged under IC 3-10-4-2 and
 13 IC 3-11-2-6.
- 14 SECTION 2. IC 3-13-6-1, AS AMENDED BY P.L.278-2019,
 15 SECTION 156, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) As used in this section,
 17 "judge" refers to a judge of a circuit, superior, or probate court.
- 18 (b) If a judge wants to resign from office, the judge must resign as
 19 provided in IC 5-8-3.5.
- 20 (c) A vacancy that occurs because of the death of a judge may be
 21 certified to the governor under IC 5-8-6.
- 22 (d) A vacancy that occurs, other than by resignation or death of a
 23 judge, shall be certified to the governor by the circuit court clerk of the
 24 county in which the judge resided.
- 25 (e) A vacancy in the office of judge of a circuit court shall be filled
 26 by the governor as provided by Article 5, Section 18 of the Constitution
 27 of the State of Indiana. However, the governor may not fill a vacancy
 28 that occurs because of the death of a judge until the governor receives
 29 notice of the death under IC 5-8-6.
- 30 (f) The person who is appointed holds the office until:
 31 (1) the end of the unexpired term; or
 32 (2) a successor is elected at the next general election for the
 33 office, and qualified;
 34 whichever occurs first.
- 35 (g) Except in a year in which the office is scheduled to be placed on
 36 the ballot, and except as provided in this subsection, the office of judge
 37 of the circuit court shall be elected at the next general election
 38 following the date any vacancy occurred. If a vacancy occurs in the
 39 office of judge of the circuit court after noon seventy-four (74) days
 40 before a general election, the office shall be elected at the second
 41 general election following the date any vacancy occurred.
- 42 (h) The person elected at the general election following an



1 appointment to fill the vacancy, upon being qualified, holds office for
 2 the six (6) year term prescribed by Article 7, Section 7 of the
 3 Constitution of the State of Indiana and until a successor is elected and
 4 qualified.

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

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

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

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

10 ~~(4) (3) IC 33-33-71-40.~~

11 ~~(5) (4) IC 33-33-49-13.4.~~

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

16 SECTION 3. IC 5-8-1-19, AS AMENDED BY P.L.201-2011,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2023]: Sec. 19. (a) Under Article 7, Section 13 of the
 19 Constitution of the State of Indiana, whenever a circuit, superior, or
 20 probate court judge or prosecuting attorney has been convicted of
 21 corruption or any other high crime, the attorney general shall bring
 22 proceedings in the supreme court, on information, in the name of the
 23 state, for the removal from office of the judge or prosecuting attorney.

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

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

28 (2) IC 33-33-2-43; **and**

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

30 ~~(4) (3) IC 33-33-71-40;~~

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

32 SECTION 4. IC 33-23-1-7 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. "Judicial nominating
 34 commission", except as used in IC 33-33-2 ~~IC 33-33-45~~; and
 35 IC 33-33-71, means the commission described in Article 7, Section 9
 36 of the Constitution of the State of Indiana.

37 SECTION 5. IC 33-29-1.9 IS ADDED TO THE INDIANA CODE
 38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2023]:

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

41 **Sec. 1. (a) As used in this section, "judge" refers to an individual**
 42 **who holds the office of judge of the Lake County superior court on**



1 **June 30, 2023.**

2 (b) Notwithstanding the amendment and repeal of provisions in
3 IC 33-33-45 relating to the election of Lake County superior court
4 judges by legislation enacted during the 2023 session of the general
5 assembly, the term of a judge does not terminate until the date that
6 the term of the judge would have terminated under IC 33-33-45, as
7 in effect on June 30, 2023.

8 (c) The initial election under IC 33-33-45, as in effect after June
9 30, 2023, to fill a judge's position on the Lake County superior
10 court is the general election immediately preceding the date on
11 which the term of the judge occupying the position on June 30,
12 2023, would have terminated under IC 33-33-45, as in effect on
13 June 30, 2023.

14 **Sec. 2. This chapter expires July 1, 2030.**

15 SECTION 6. IC 33-33-45-3 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) There is
17 established a superior court in Lake County (referred to as "the court"
18 in this chapter).

19 (b) The court consists of the following:

- 20 (1) Sixteen (16) judges, each of whom shall be elected at a
21 general election every six (6) years in Lake County.
22 (2) The Lake County circuit court judge, if the circuit court
23 judge chooses to sit on the Lake County superior court.

24 (c) The term of a judge described in subsection (b)(1) begins
25 January 1 following the judge's election and extends through
26 December 31 following the election of the judge's successor.

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

- 29 (1) a resident of Lake County; and
30 (2) admitted to the practice of law in Indiana.

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

33 SECTION 7. IC 33-33-45-21, AS AMENDED BY P.L.201-2011,
34 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2023]: Sec. 21. (a) The court is divided into civil (including
36 probate), criminal, county, and juvenile divisions. The work of the
37 court shall be divided among the divisions by the rules of the court.

38 (b) Seven (7) judges comprise the civil division. Four (4) judges
39 comprise the criminal division. Four (4) judges comprise the county
40 division. One (1) judge comprises the juvenile division. However, the
41 court by rule may alter the number of judges assigned to a division of
42 the court if the court determines that the change is necessary for the



1 efficient operation of the court.

2 (c) The court by rule may reassign a judge of the court from one (1)
3 division to another if the court determines that the change is necessary
4 for the efficient operation of the court. The court by rule may establish
5 a rotation schedule providing for the rotation of judges through the
6 various divisions. The rotation schedule may be used if the court
7 determines that an emergency exists. However, a senior judge of any
8 division may not be reassigned or rotated to another division under this
9 subsection.

10 (d) The chief judge of the court may assign a judge in one (1)
11 division of the court to hear a case originating in another division of the
12 court, and may reassign cases from one (1) judge to another, if the chief
13 judge determines that the change is necessary for the efficient operation
14 of the court.

15 (e) A judge of a division of the court who has not been appointed to
16 the court under section 38 of this chapter is not eligible to be
17 reassigned, rotated, or transferred to the other divisions of the court.
18 However, a judge of a division of the court who has not been appointed
19 to the court under section 38 of this chapter may apply to fill a vacancy
20 in another division of the court through appointment as provided under
21 this chapter.

22 SECTION 8. IC 33-33-45-25 IS REPEALED [EFFECTIVE JULY
23 1, 2023]. Sec. 25: (a) At the general election immediately preceding the
24 expiration of a judge's extended term, the question of that judge's
25 retention in office or rejection shall be submitted to the electorate of
26 Lake County under section 42 of this chapter. Thereafter, unless
27 rejected by the electorate, each judge shall serve successive terms as
28 provided in section 41(b) of this chapter.

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

33 SECTION 9. IC 33-33-45-26 IS REPEALED [EFFECTIVE JULY
34 1, 2023]. Sec. 26: The superior court of Lake County consists of sixteen
35 (16) judges plus the Lake circuit court judge if the circuit court judge
36 chooses to sit on the superior court of Lake County.

37 SECTION 10. IC 33-33-45-27 IS REPEALED [EFFECTIVE JULY
38 1, 2023]. Sec. 27: (a) There is established a judicial nominating
39 commission for the superior court of Lake County, the functions,
40 responsibilities, and procedures of which are set forth in sections 28
41 through 37 of this chapter.

42 (b) The board of county commissioners of Lake County shall



1 provide all facilities, equipment, supplies, and services as may be
 2 necessary for the administration of the duties imposed upon the
 3 commission. The members of the commission shall serve without
 4 compensation. However, the board of county commissioners of Lake
 5 County shall reimburse members of the commission for actual
 6 expenses incurred in performing their duties:

7 SECTION 11. IC 33-33-45-28 IS REPEALED [EFFECTIVE JULY
 8 1, 2023]. Sec. 28: (a) The judicial nominating commission (referred to
 9 in this chapter as the commission) consists of seven (7) voting
 10 members, the majority of whom form a quorum. The chief justice of
 11 Indiana or the chief justice's designee serves *ex officio* as a voting
 12 member only to resolve tie votes and as the chairperson of the
 13 commission:

14 (b) The:

15 (1) governor shall appoint three (3) members to the commission:

16 (A) one (1) of whom must be an attorney;

17 (B) one (1) of whom must be a nonattorney who has never
 18 been licensed to practice law; and

19 (C) one (1) of whom must be a woman; and

20 (2) Lake County board of commissioners shall appoint three (3)
 21 members to the commission:

22 (A) one (1) of whom must be an attorney;

23 (B) one (1) of whom must be a nonattorney who has never
 24 been licensed to practice law; and

25 (C) one (1) of whom must be an individual from a minority
 26 group (as defined in IC 5-28-20-5):

27 The appointees must reside in Lake County, have no prior felony
 28 conviction, and reflect the composition of the community. If the Lake
 29 County board of commissioners fails to appoint any commission
 30 members within the time required to do so in section 29 of this chapter,
 31 the appointment shall be made by the chairperson of the commission.
 32 The chairperson of the commission shall have standing to dispute the
 33 validity of an appointed member:

34 (c) A member of the commission, other than a judge or justice, may
 35 not hold any other elected public office. A member may not hold an
 36 office in a political party or organization:

37 (d) A member of the commission is not eligible for appointment to
 38 a judicial office in Lake County if the member is a member of the
 39 commission and for three (3) years thereafter:

40 (e) Except for the chief justice of Indiana or the chief justice's
 41 designee, if any voting member of the commission terminates the
 42 member's residence in Lake County, the member is considered to have



1 resigned from the commission:

2 SECTION 12. IC 33-33-45-29 IS REPEALED [EFFECTIVE JULY
3 1, 2023]. Sec. 29: (a) The Lake County board of commissioners shall
4 appoint three (3) members of the commission:

5 (b) One (1) month before the expiration of a term of office of a
6 commissioner appointed by the Lake County board of commissioners;
7 an appointment or reappointment shall be made in accordance with
8 section 28 of this chapter: All appointments made by the Lake County
9 board of commissioners shall be certified to the secretary of state, the
10 clerk of the supreme court, and the clerk of Lake circuit court within
11 ten (10) days after the appointment:

12 (c) Each member appointed by the Lake County board of
13 commissioners shall be appointed for a term of four (4) years:

14 (d) Whenever a vacancy occurs in the office of a commissioner
15 appointed by the Lake County board of commissioners, the chairperson
16 of the commission shall promptly notify the Lake County board of
17 commissioners in writing of such fact: Vacancies in the office of
18 commissioners appointed by the Lake County board of commissioners
19 shall be filled by appointment of the Lake County board of
20 commissioners within sixty (60) days after notice of the vacancy is
21 received: The term of the commissioner appointed by the Lake County
22 board of commissioners is for the unexpired term of the member whose
23 vacancy the new member has filled:

24 SECTION 13. IC 33-33-45-32 IS REPEALED [EFFECTIVE JULY
25 1, 2023]. Sec. 32: After the voting members of the commission have
26 been appointed by the governor and the voting members of the
27 commission appointed by the Lake County board of commissioners
28 have been certified to the secretary of state, clerk of the supreme court,
29 and clerk of the Lake circuit court as this chapter provides, the clerk of
30 the Lake circuit court shall by regular mail notify the members of the
31 commission of their election or appointment and shall notify the
32 chairperson of the judicial nominating commission of the same:

33 SECTION 14. IC 33-33-45-33 IS REPEALED [EFFECTIVE JULY
34 1, 2023]. Sec. 33: A member of the judicial nominating commission
35 may serve until the member's successor is appointed: A voting member
36 of the commission is not eligible for more than two (2) successive
37 reappointments:

38 SECTION 15. IC 33-33-45-34 IS REPEALED [EFFECTIVE JULY
39 1, 2023]. Sec. 34: (a) When a vacancy occurs in the superior court of
40 Lake County, the clerk of the court shall promptly notify the
41 chairperson and each member of the commission of the vacancy: The
42 chairperson shall call a meeting of the commission within ten (10) days



1 following the notice. The commission shall submit its nominations of
2 five (5) candidates for each vacancy and certify them to the governor
3 as promptly as possible; and not later than sixty (60) days after the
4 vacancy occurs. When it is known that a vacancy will occur at a
5 definite future date within the term of the governor then serving; but
6 the vacancy has not yet occurred; the clerk shall notify the chairperson
7 and each member of the commission immediately of the forthcoming
8 vacancy; and the commission may within fifty (50) days of the notice
9 of the vacancy make its nominations and submit to the governor the
10 names of five (5) persons nominated for the forthcoming vacancy.

11 (b) Meetings of the commission shall be called by its chairperson or;
12 if the chairperson fails to call a necessary meeting; upon the call of any
13 four (4) members of the commission. The chairperson; whenever the
14 chairperson considers a meeting necessary; or upon the request by any
15 four (4) members of the commission for a meeting; shall give each
16 member of the commission at least five (5) days written notice by mail
17 of the date, time, and place of every meeting unless the commission at
18 its previous meeting designated the date, time, and place of its next
19 meeting.

20 (c) Meetings of the commission are to be held at the Lake County
21 government center in Crown Point or another place; as the circuit court
22 clerk of Lake County may arrange; at the direction of the chairperson
23 of the commission.

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

28 (e) The commission may act only by the concurrence of a majority
29 of its voting members attending a meeting. Four (4) voting members
30 constitute a quorum at a meeting.

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

36 SECTION 16. IC 33-33-45-35 IS REPEALED [EFFECTIVE JULY
37 1, 2023]. Sec. 35: In selecting the five (5) nominees to be submitted to
38 the governor; the commission shall comply with the following
39 requirements:

40 (1) The commission shall submit only the names of the five (5)
41 most highly qualified candidates from among all those eligible
42 individuals considered. To be eligible for nomination as a judge



1 of the superior court of Lake County, a person must be domiciled
 2 in the county of Lake, a citizen of the United States, and admitted
 3 to the practice of law in Indiana.

4 (2) In abiding by the mandate in subdivision (1), the commission
 5 shall evaluate in writing each eligible individual on the following
 6 factors:

7 (A) Law school record, including any academic honors and
 8 achievements:

9 (B) Contribution to scholarly journals and publications;
 10 legislative drafting, and legal briefs:

11 (C) Activities in public service, including:

12 (i) writings and speeches concerning public or civic affairs
 13 that are on public record, including but not limited to
 14 campaign speeches or writings, letters to newspapers, and
 15 testimony before public agencies;

16 (ii) government service;

17 (iii) efforts and achievements in improving the
 18 administration of justice; and

19 (iv) other conduct relating to the individual's profession:

20 (D) Legal experience, including the number of years of
 21 practicing law, the kind of practice involved, and reputation as
 22 a trial lawyer or judge:

23 (E) Probable judicial temperament:

24 (F) Physical condition, including age, stamina, and possible
 25 habitual intemperance:

26 (G) Personality traits, including the exercise of sound
 27 judgment, ability to compromise and conciliate, patience,
 28 decisiveness, and dedication:

29 (H) Membership on boards of directors, financial interests, and
 30 any other consideration that might create conflict of interest
 31 with a judicial office:

32 (I) Any other pertinent information that the commission feels
 33 is important in selecting the best qualified individuals for
 34 judicial office:

35 (3) These written evaluations shall not be made on an individual
 36 until the individual states in writing that the individual desires to
 37 hold a judicial office that is or will be created by vacancy:

38 (4) The political affiliations of any candidate may not be
 39 considered by the commission in evaluating and determining
 40 which eligible candidates shall be recommended to the governor
 41 for a vacancy on the superior court of Lake County:

42 (5) In determining which eligible candidates are recommended to



1 the governor; the commission shall consider that racial and gender
2 diversity enhances the quality of the judiciary:

3 SECTION 17. IC 33-33-45-36 IS REPEALED [EFFECTIVE JULY
4 1, 2023]. Sec. 36: (a) The commission shall submit with the list of five
5 (5) nominees to the governor its written evaluation of the qualifications
6 of each candidate:

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

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

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

16 SECTION 18. IC 33-33-45-37 IS REPEALED [EFFECTIVE JULY
17 1, 2023]. Sec. 37: (a) After the commission has nominated and
18 submitted to the governor the names of five (5) persons for
19 appointment to fill a vacancy of the superior court of Lake County:

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

23 (2) another name may be substituted;

24 before the appointment is made to fill the vacancy:

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

28 (c) If two (2) or more vacancies exist, the commission shall
29 nominate and submit to the governor a list of five (5) different persons
30 for each of the vacancies. The commission may, before an appointment
31 is made, withdraw the lists of nominations; change the names of any
32 persons nominated from one (1) list to another; and resubmit them as
33 changed; or may substitute a new name for any of those previously
34 nominated:

35 SECTION 19. IC 33-33-45-38 IS REPEALED [EFFECTIVE JULY
36 1, 2023]. Sec. 38: (a) A vacancy occurring on the court shall be filled
37 by appointment of the governor from a list of five (5) nominees
38 presented to the governor by the judicial nominating commission. If the
39 governor fails to make an appointment from the list within sixty (60)
40 days after the day it is presented to the governor, the appointment shall
41 be made by the chief justice or the acting chief justice of Indiana from
42 the same list; or altered list as provided for in section 37 of this chapter:



1 (b) The governor shall make all appointments to the court without
 2 regard to the political affiliation of any of the five (5) nominees
 3 submitted to the governor. In the interest of justice, the governor shall
 4 consider only those qualifications of the nominees included in section
 5 35 of this chapter.

6 SECTION 20. IC 33-33-45-40 IS REPEALED [EFFECTIVE JULY
 7 1, 2023]. Sec. 40: An appointment by the governor or chief justice, as
 8 required by section 38 of this chapter, to the superior court of Lake
 9 County takes effect immediately if a vacancy exists at the date of the
 10 appointment. The appointment takes effect on the date the vacancy is
 11 created if a vacancy does not exist at the date of appointment.

12 SECTION 21. IC 33-33-45-41 IS REPEALED [EFFECTIVE JULY
 13 1, 2023]. Sec. 41: (a) Each judge appointed under section 38 of this
 14 chapter serves an initial term, which begins on the effective date of the
 15 appointment of the judge and continues through December 31 in the
 16 year of the general election that follows the expiration of two (2) years
 17 after the effective date of the judge's appointment.

18 (b) Unless the judge:

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

20 (2) does not file the statement required;

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

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

26 SECTION 22. IC 33-33-45-42 IS REPEALED [EFFECTIVE JULY
 27 1, 2023]. Sec. 42: (a) The question of the retention in office or rejection
 28 of each judge of the superior court of Lake County shall be submitted
 29 to the electorate of Lake County at the general election immediately
 30 preceding expiration of the term of the judge.

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

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

40 (d) If a majority of the ballots cast by the electors voting on any
 41 question is "No", the judge whose name appeared on the question shall
 42 be rejected. The office of the rejected judge is vacant on January 1



1 following the rejection. The vacancy shall be filled by appointment by
 2 the governor under section 38 of this chapter.

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

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

- 14 (1) the judge wants the judge's name to appear on the ballot; and
- 15 (2) the candidate's name is permitted to appear on the ballot under
 16 IC 3-5-7.

17 (g) If a judge does not file the statement required under subsection
 18 (f), the question of that judge's retention in office or rejection shall not
 19 be submitted to the electorate; and the office becomes vacant at the
 20 expiration of the term.

21 SECTION 23. IC 33-33-45-44 IS REPEALED [EFFECTIVE JULY
 22 1, 2023]. Sec. 44: (a) A judge of the superior court may not during a
 23 term of office as judge of the superior court do any of the following:

- 24 (1) Engage in the practice of law;
- 25 (2) Run for elective office;
- 26 (3) Take part in any political campaign.

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

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

