

SENATE BILL No. 207

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 Repeals superseded provisions.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, 2022.

Randolph Lonnie M

January 6, 2022, read first time and referred to Committee on Judiciary.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 207

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, 2022]: 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, 2022]: 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, 2022]: 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, 2022]:

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, 2022.**

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 2022 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, 2022.**

20 **(c) The initial election under IC 33-33-45, as in effect after June**
21 **30, 2022, 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 **2022, would have terminated under IC 33-33-45, as in effect on**
25 **June 30, 2022.**

26 **Sec. 2. This chapter expires July 1, 2029.**

27 SECTION 5. IC 33-33-45-3 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2022]: 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, 2022]: 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, 2022]. 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, 2022]. 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, 2022]. 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, 2022]. Sec. 28: (a) The judicial nominating commission (referred to
21 in this chapter as the commission) consists of seven (7) voting
22 members; the majority of whom form a quorum. The chief justice of
23 Indiana or the chief justice's designee serves ex officio as a voting
24 member only to resolve tie votes and as the chairperson of the
25 commission.

26 (b) The:

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

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

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

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

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

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

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

37 (C) one (1) of whom must be an individual from a minority
38 group (as defined in IC 5-28-20-5).

39 The appointees must reside in Lake County, have no prior felony
40 conviction, and reflect the composition of the community. If the Lake
41 County board of commissioners fails to appoint any commission
42 members within the time required to do so in section 29 of this chapter;



1 the appointment shall be made by the chairperson of the commission.
 2 The chairperson of the commission shall have standing to dispute the
 3 validity of an appointed member.

4 (c) 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.

7 (d) A member of the commission is not eligible for appointment to
 8 a judicial office in Lake County if the member is a member of the
 9 commission and for three (3) years thereafter.

10 (e) Except for the chief justice of Indiana or the chief justice's
 11 designee, if any voting member of the commission terminates the
 12 member's residence in Lake County, the member is considered to have
 13 resigned from the commission.

14 SECTION 11. IC 33-33-45-29 IS REPEALED [EFFECTIVE JULY
 15 1, 2022]. Sec. 29: (a) The Lake County board of commissioners shall
 16 appoint three (3) members of the commission.

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

24 (c) Each member appointed by the Lake County board of
 25 commissioners shall be appointed for a term of four (4) years.

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

36 SECTION 12. IC 33-33-45-32 IS REPEALED [EFFECTIVE JULY
 37 1, 2022]. Sec. 32: After the voting members of the commission have
 38 been appointed by the governor and the voting members of the
 39 commission appointed by the Lake County board of commissioners
 40 have been certified to the secretary of state, clerk of the supreme court,
 41 and clerk of the Lake circuit court as this chapter provides, the clerk of
 42 the Lake circuit court shall by regular mail notify the members of the



1 commission of their election or appointment and shall notify the
2 chairperson of the judicial nominating commission of the same:

3 SECTION 13. IC 33-33-45-33 IS REPEALED [EFFECTIVE JULY
4 1, 2022]. Sec. 33: A member of the judicial nominating commission
5 may serve until the member's successor is appointed. A voting member
6 of the commission is not eligible for more than two (2) successive
7 reappointments:

8 SECTION 14. IC 33-33-45-34 IS REPEALED [EFFECTIVE JULY
9 1, 2022]. Sec. 34: (a) When a vacancy occurs in the superior court of
10 Lake County, the clerk of the court shall promptly notify the
11 chairperson and each member of the commission of the vacancy. The
12 chairperson shall call a meeting of the commission within ten (10) days
13 following the notice. The commission shall submit its nominations of
14 five (5) candidates for each vacancy and certify them to the governor
15 as promptly as possible, and not later than sixty (60) days after the
16 vacancy occurs. When it is known that a vacancy will occur at a
17 definite future date within the term of the governor then serving, but
18 the vacancy has not yet occurred, the clerk shall notify the chairperson
19 and each member of the commission immediately of the forthcoming
20 vacancy, and the commission may within fifty (50) days of the notice
21 of the vacancy make its nominations and submit to the governor the
22 names of five (5) persons nominated for the forthcoming vacancy.

23 (b) Meetings of the commission shall be called by its chairperson or,
24 if the chairperson fails to call a necessary meeting, upon the call of any
25 four (4) members of the commission. The chairperson, whenever the
26 chairperson considers a meeting necessary, or upon the request by any
27 four (4) members of the commission for a meeting, shall give each
28 member of the commission at least five (5) days written notice by mail
29 of the date, time, and place of every meeting unless the commission at
30 its previous meeting designated the date, time, and place of its next
31 meeting:

32 (c) Meetings of the commission are to be held at the Lake County
33 government center in Crown Point or another place, as the circuit court
34 clerk of Lake County may arrange, at the direction of the chairperson
35 of the commission:

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

40 (e) The commission may act only by the concurrence of a majority
41 of its voting members attending a meeting. Four (4) voting members
42 constitute a quorum at a meeting:



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

6 SECTION 15. IC 33-33-45-35 IS REPEALED [EFFECTIVE JULY
 7 1, 2022]. Sec. 35. In selecting the five (5) nominees to be submitted to
 8 the governor, the commission shall comply with the following
 9 requirements:

10 (1) The commission shall submit only the names of the five (5)
 11 most highly qualified candidates from among all those eligible
 12 individuals considered. To be eligible for nomination as a judge
 13 of the superior court of Lake County, a person must be domiciled
 14 in the county of Lake, a citizen of the United States, and admitted
 15 to the practice of law in Indiana.

16 (2) In abiding by the mandate in subdivision (1), the commission
 17 shall evaluate in writing each eligible individual on the following
 18 factors:

19 (A) Law school record, including any academic honors and
 20 achievements.

21 (B) Contribution to scholarly journals and publications;
 22 legislative drafting; and legal briefs.

23 (C) Activities in public service, including:

24 (i) writings and speeches concerning public or civic affairs
 25 that are on public record, including but not limited to
 26 campaign speeches or writings, letters to newspapers, and
 27 testimony before public agencies;

28 (ii) government service;

29 (iii) efforts and achievements in improving the
 30 administration of justice; and

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

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

35 (E) Probable judicial temperament.

36 (F) Physical condition, including age, stamina, and possible
 37 habitual intemperance.

38 (G) Personality traits, including the exercise of sound
 39 judgment, ability to compromise and conciliate, patience,
 40 decisiveness, and dedication.

41 (H) Membership on boards of directors, financial interests, and
 42 any other consideration that might create conflict of interest



1 with a judicial office.

2 (f) Any other pertinent information that the commission feels
3 is important in selecting the best qualified individuals for
4 judicial office.

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

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

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

15 SECTION 16. IC 33-33-45-36 IS REPEALED [EFFECTIVE JULY
16 1, 2022]. See: 36: (a) The commission shall submit with the list of five
17 (5) nominees to the governor its written evaluation of the qualifications
18 of each candidate.

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

21 (c) Every eligible candidate whose name was not submitted to the
22 governor shall have access to any evaluation on the candidate by the
23 commission and the right to make such evaluation public.

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

28 SECTION 17. IC 33-33-45-37 IS REPEALED [EFFECTIVE JULY
29 1, 2022]. See: 37: (a) After the commission has nominated and
30 submitted to the governor the names of five (5) persons for
31 appointment to fill a vacancy of the superior court of Lake County:

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

35 (2) another name may be substituted;

36 before the appointment is made to fill the vacancy.

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

40 (c) If two (2) or more vacancies exist, the commission shall
41 nominate and submit to the governor a list of five (5) different persons
42 for each of the vacancies. The commission may, before an appointment



1 is made; withdraw the lists of nominations; change the names of any
 2 persons nominated from one (1) list to another; and resubmit them as
 3 changed; or may substitute a new name for any of those previously
 4 nominated.

5 SECTION 18. IC 33-33-45-38 IS REPEALED [EFFECTIVE JULY
 6 1, 2022]. Sec. 38: (a) A vacancy occurring on the court shall be filled
 7 by appointment of the governor from a list of five (5) nominees
 8 presented to the governor by the judicial nominating commission. If the
 9 governor fails to make an appointment from the list within sixty (60)
 10 days after the day it is presented to the governor; the appointment shall
 11 be made by the chief justice or the acting chief justice of Indiana from
 12 the same list; or altered list as provided for in section 37 of this chapter.

13 (b) The governor shall make all appointments to the court without
 14 regard to the political affiliation of any of the five (5) nominees
 15 submitted to the governor. In the interest of justice; the governor shall
 16 consider only those qualifications of the nominees included in section
 17 35 of this chapter.

18 SECTION 19. IC 33-33-45-40 IS REPEALED [EFFECTIVE JULY
 19 1, 2022]. Sec. 40: An appointment by the governor or chief justice; as
 20 required by section 38 of this chapter; to the superior court of Lake
 21 County takes effect immediately if a vacancy exists at the date of the
 22 appointment. The appointment takes effect on the date the vacancy is
 23 created if a vacancy does not exist at the date of appointment.

24 SECTION 20. IC 33-33-45-41 IS REPEALED [EFFECTIVE JULY
 25 1, 2022]. Sec. 41: (a) Each judge appointed under section 38 of this
 26 chapter serves an initial term, which begins on the effective date of the
 27 appointment of the judge and continues through December 31 in the
 28 year of the general election that follows the expiration of two (2) years
 29 after the effective date of the judge's appointment.

30 (b) Unless the judge:

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

32 (2) does not file the statement required;

33 under section 42 of this chapter; a judge of the superior court shall
 34 serve successive six (6) year terms:

35 (c) Each six (6) year term begins on the first day of January
 36 following the expiration of the preceding initial term or the preceding
 37 six (6) year term; as the case may be; and continues for six (6) years.

38 SECTION 21. IC 33-33-45-42 IS REPEALED [EFFECTIVE JULY
 39 1, 2022]. Sec. 42: (a) The question of the retention in office or rejection
 40 of each judge of the superior court of Lake County shall be submitted
 41 to the electorate of Lake County at the general election immediately
 42 preceding expiration of the term of the judge.



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

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

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

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

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

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

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

33 SECTION 22. IC 33-33-45-44 IS REPEALED [EFFECTIVE JULY
 34 1, 2022]. Sec. 44: (a) A judge of the superior court may not during a
 35 term of office as judge of the superior court do any of the following:

- 36 (1) Engage in the practice of law.
- 37 (2) Run for elective office.
- 38 (3) Take part in any political campaign.

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

42 (c) A political party may not directly or indirectly campaign for or



1 against a judge subject to retention or rejection under this chapter.

