ENGROSSED
HOUSE BILL No. 1036

DIGEST OF HB 1036 (Updated March 29, 2017 6:42 pm - DI 106)

Citations Affected: IC 3-3.5; IC 3-5; IC 3-8; IC 3-10; IC 3-11; IC 3-13; IC 33-23; IC 33-33.

Synopsis: Marion County judicial selection. Provides for the selection of Marion superior court (court) judges. Establishes the 14 member Marion County judicial selection committee (committee). Provides that, when the committee learns of a vacancy or open judicial seat on the court, the committee follows certain procedures that conclude in the committee appointing a judge to the court (in the case of an open judicial seat) or sending the names of three nominees to the governor (in the case of a vacancy). Provides that, at the end of a judge's term on the court, the judge may have the question of the judge's retention on the court placed on the general election ballot. Requires that the judge's retention on the court must be approved or rejected by the electorate of Marion County.

Effective: Upon passage; July 1, 2017.

Steuerwald, Bosma, Frizzell, DeLaney

(SENATE SPONSORS — MERRITT, BRAY, RUCKELSHAUS, RANDOLPH LONNIE M)

January 4, 2017, read first time and referred to Committee on Judiciary.
January 26, 2017, amended, reported — Do Pass.
January 31, 2017, read second time, ordered engrossed. Engrossed.
February 2, 2017, read third time, passed. Yeas 68, nays 29.
SENATE ACTION
February 20, 2017, read first time and referred to Committee on Courts and Criminal Code.
March 30, 2017, amended, reported — Do Pass.

EH 1036—LS 6487/DI 106

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

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

ENGROSSED
HOUSE BILL No. 1036

———

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 3-3.5 IS ADDED TO THE INDIANA CODE AS A
2 **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:
4 **ARTICLE 3.5. MARION COUNTY JUDICIAL SELECTION**
5 **COMMITTEE**
6 **Chapter 1. Definitions**
7 **Sec. 1. The definitions in this chapter apply throughout this**
8 **article.**
9 **Sec. 2. "City-county council" refers to the Indianapolis, Marion**
10 **County city-county council.**
11 **Sec. 3. "Clerk" refers to the Marion County circuit court clerk.**
12 **Sec. 4. "Committee" refers to the Marion County judicial**
13 **selection committee established by IC 33-33-49-13.1.**
14 **Sec. 5. "District" refers to a district described in IC 3-3.5-3.**
15 **Sec. 6. "Elected committee member" refers to a member of the**
16 **committee required to be elected under IC 33-33-49-13.1.**
17 **Sec. 7. "GIS" refers to the geographic information system**

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maintained by the office that contains the following information:

    (1) Geographic and population information provided in the official census report to the state by the United States Department of Commerce, Bureau of the Census, in reporting the 2010 decennial census of Indiana.

    (2) Election history and supplemental geographic information compiled by the legislative services agency.

Sec. 8. "Legislative services agency" refers to the legislative services agency established under IC 2-5-1.1-7.

Sec. 9. "Office" refers to the office of census data of the legislative services agency.

Chapter 2. General Provisions Relating to Establishing Districts

Sec. 1. All terms and references to geographic units made in the descriptions of districts in this article:

    (1) have the same meanings as the terms have when used by the United States Department of Commerce, Bureau of the Census, in reporting the 2010 decennial census of Indiana as supplemented by geographic information compiled and documented by the legislative services agency;

    (2) describe the same geographical boundaries as depicted by maps included in the GIS; and

    (3) are located in Marion County, Indiana.

Sec. 2. (a) Any part of Marion County that has not been described as included in a district is included within the district that:

    (1) is contiguous to the part; and

    (2) contains the least population of districts contiguous to that part according to the 2010 decennial census of Indiana.

(b) If any part of Marion County is described as being in more than one (1) district, the part is included within the district that:

    (1) is one (1) of the districts in which the part is listed in IC 3-3.5-3, whichever is applicable;

    (2) is contiguous to the part; and

    (3) contains the least population according to the 2010 decennial census of Indiana.

(c) If any part of Marion County:

    (1) is described in IC 3-3.5-3 as being in one (1) district; and

    (2) is entirely surrounded by another district;

the part shall be incorporated into the district that surrounds the part.

(d) If any part of Marion County:

    (1) is described as being in one (1) district; and

(2) is not contiguous to another part of the district that contains the majority of the population in the district;
the part is included with the contiguous district that contains the least population according to the 2010 decennial census of Indiana.

Sec. 3. (a) As used in this section, "geographic sliver" means a polygon contained in the GIS resulting from the overlay of an existing geographic data set onto a more recent version of that geographic data set.

(b) A geographic sliver is considered to be included in the description of the larger unit of geography to which the geographic sliver belongs within the same geographic data set.

(c) If this article provides that a district includes a unit of geography in Marion County, that district contains any geographic slivers included in that unit of geography under subsection (b).

Sec. 4. The office shall make modifications in the GIS necessary to conform the GIS to the rules stated in sections 2 and 3 of this chapter.

Sec. 5. The legislative services agency shall separately maintain and preserve in the GIS the descriptions and maps included in the 2010 decennial census of Indiana. The legislative services agency shall make those descriptions and maps available for public inspection during regular office hours and on the Internet.

Sec. 6. The official report and all official documents relating to the report of the 2010 decennial census are incorporated by reference into this article.

Chapter 3. Elected Committee Member Election Districts
Sec. 1. Committee district 1 consists of the following:
Marion County TOWNSHIPS:
  Decatur, Perry
Center Township PRECINCTS:
  CENTER-13-01, CENTER-13-02, CENTER-13-03,
  CENTER-13-04, CENTER-13-05, CENTER-14-01,
  CENTER-14-02, CENTER-16-05, CENTER-17-01,
  CENTER-17-02, CENTER-17-03, CENTER-17-04,
  CENTER-17-05, CENTER-30-01, CENTER-30-02,
  CENTER-30-03, CENTER-30-04, CENTER-30-05,
  CENTER-30-06, CENTER-30-07, CENTER-CO-01,
  CENTER-CO-02
Wayne Township PRECINCTS:
  WAY-24-04, WAY-24-05, WAY-WY-29, WAY-WY-30,
  WAY-WY-31, WAY-WY-32, WAY-WY-33, WAY-WY-38,
  WAY-WY-39, WAY-WY-40, WAY-WY-41, WAY-WY-43,

WAY-WY-44, WAY-WY-45, WAY-WY-46, WAY-WY-47,
WAY-WY-48, WAY-WY-49, WAY-WY-50, WAY-WY-51,
WAY-WY-52, WAY-WY-53, WAY-WY-54, WAY-WY-55,
WAY-WY-56, WAY-WY-57, WAY-WY-58, WAY-WY-59,
WAY-WY-60

Sec. 2. Committee district 2 consists of the following:

Marion County TOWNSHIPS:

Pike

Center Township PRECINCTS:

CENTER-05-01, CENTER-05-02, CENTER-05-03,
CENTER-05-04, CENTER-05-05, CENTER-05-06,
CENTER-06-01, CENTER-06-02, CENTER-06-03,
CENTER-06-04, CENTER-06-05, CENTER-06-06,
CENTER-07-01, CENTER-12-01, CENTER-12-02,
CENTER-12-03

Washington Township PRECINCTS:

WAS-WS-01, WAS-WS-02, WAS-WS-03, WAS-WS-11,
WAS-WS-12, WAS-WS-13, WAS-WS-14, WAS-WS-23,
WAS-WS-24, WAS-WS-25, WAS-WS-30, WAS-WS-31,
WAS-WS-32, WAS-WS-33, WAS-WS-39, WAS-WS-40,
WAS-WS-41, WAS-WS-49, WAS-WS-50, WAS-WS-51,
WAS-WS-52, WAS-WS-53, WAS-WS-54, WAS-WS-55,
WAS-WS-57, WAS-WS-58, WAS-WS-59, WAS-WS-64,
WAS-WS-67, WAS-WS-68

Wayne Township PRECINCTS:

WAY-19-01, WAY-19-02, WAY-19-03, WAY-19-04,
WAY-19-05, WAY-19-06, WAY-24-01, WAY-24-02,
WAY-24-03, WAY-29-01, WAY-29-02, WAY-29-03,
WAY-29-04, WAY-29-05, WAY-29-06, WAY-29-07,
WAY-29-08, WAY-29-09, WAY-29-10, WAY-29-11,
WAY-29-12, WAY-29-13, WAY-29-14, WAY-29-15,
WAY-29-16, WAY-29-17, WAY-29-18, WAY-WY-01,
WAY-WY-02, WAY-WY-03, WAY-WY-04, WAY-WY-05,
WAY-WY-06, WAY-WY-07, WAY-WY-08, WAY-WY-09,
WAY-WY-10, WAY-WY-11, WAY-WY-12, WAY-WY-13,
WAY-WY-14, WAY-WY-15, WAY-WY-16, WAY-WY-17,
WAY-WY-18, WAY-WY-19, WAY-WY-20, WAY-WY-21,
WAY-WY-22, WAY-WY-23, WAY-WY-24, WAY-WY-25,
WAY-WY-26, WAY-WY-27, WAY-WY-28, WAY-WY-34,
WAY-WY-35, WAY-WY-36, WAY-WY-37, WAY-WY-42

Sec. 3. Committee district 3 consists of the following:

Center Township PRECINCTS:

1	**CENTER-01-01,**	**CENTER-01-02,**	**CENTER-01-03,**
2	**CENTER-01-04,**	**CENTER-01-05,**	**CENTER-01-06,**
3	**CENTER-01-07,**	**CENTER-01-08,**	**CENTER-01-09,**
4	**CENTER-01-10,**	**CENTER-02-01,**	**CENTER-02-02,**
5	**CENTER-02-03,**	**CENTER-02-04,**	**CENTER-03-01,**
6	**CENTER-03-02,**	**CENTER-03-03,**	**CENTER-03-04,**
7	**CENTER-03-05,**	**CENTER-04-01,**	**CENTER-04-02,**
8	**CENTER-04-03,**	**CENTER-04-04,**	**CENTER-04-05,**
9	**CENTER-07-02,**	**CENTER-07-03,**	**CENTER-08-01,**
10	**CENTER-08-02,**	**CENTER-08-03,**	**CENTER-09-01,**
11	**CENTER-09-02,**	**CENTER-09-03,**	**CENTER-09-04,**
12	**CENTER-09-05,**	**CENTER-09-06,**	**CENTER-09-07,**
13	**CENTER-10-01,**	**CENTER-10-02,**	**CENTER-10-03,**
14	**CENTER-10-04,**	**CENTER-10-05,**	**CENTER-11-01,**
15	**CENTER-11-02,**	**CENTER-11-03,**	**CENTER-11-04,**
16	**CENTER-11-05,**	**CENTER-15-01,**	**CENTER-15-02,**
17	**CENTER-16-01,**	**CENTER-16-02,**	**CENTER-16-03,**
18	**CENTER-16-04,**	**CENTER-23-01,**	**CENTER-23-02,**
19	**CENTER-23-03,**	**CENTER-23-04,**	**CENTER-23-05,**
20	**CENTER-23-06,**	**CENTER-23-07,**	**CENTER-23-08,**
21	**CENTER-23-09,**	**CENTER-25-01,**	**CENTER-25-02,**
22	**CENTER-25-03, CENTER-25-04, CENTER-25-05**		

23 **Lawrence Township PRECINCTS:**

24	**LAW-27-01,**	**LAW-27-02,**	**LAW-27-03,**	**LAW-27-04,**
25	**LAW-27-05,**	**LAW-27-06,**	**LAW-27-07,**	**LAW-27-13,**
26	**LAW-LA-20,**	**LAW-LA-30,**	**LAW-LA-31,**	**LAW-LA-37,**
27	**LAW-LA-38,**	**LAW-LA-39,**	**LAW-LA-43,**	**LAW-LA-44,**
28	**LAW-LA-50, LAW-LA-51, LAW-LA-52, LAW-LA-57**			

29 **Warren Township PRECINCTS:**

30	**WAR-18-01,**	**WAR-18-02,**	**WAR-18-03,**	**WAR-18-04,**
31	**WAR-18-05,**	**WAR-18-06,**	**WAR-18-07,**	**WAR-28-01,**
32	**WAR-28-02,**	**WAR-28-03,**	**WAR-28-04,**	**WAR-28-06,**
33	**WAR-28-07, WAR-28-09, WAR-28-11**			

34 **Washington Township PRECINCTS:**

35	**WAS-20-01,**	**WAS-20-02,**	**WAS-20-03,**	**WAS-20-04,**
36	**WAS-20-05,**	**WAS-20-06,**	**WAS-20-07,**	**WAS-20-08,**
37	**WAS-20-09,**	**WAS-20-10,**	**WAS-20-11,**	**WAS-20-12,**
38	**WAS-21-01,**	**WAS-21-02,**	**WAS-21-03,**	**WAS-21-04,**
39	**WAS-21-05,**	**WAS-21-06,**	**WAS-21-07,**	**WAS-21-08,**
40	**WAS-21-09,**	**WAS-21-10,**	**WAS-21-11,**	**WAS-21-12,**
41	**WAS-21-13,**	**WAS-22-01,**	**WAS-22-02,**	**WAS-22-03,**
42	**WAS-22-04,**	**WAS-22-05,**	**WAS-22-06,**	**WAS-22-07,**

WAS-22-08,	WAS-31-01,	WAS-31-02,	WAS-31-03,
WAS-31-04,	WAS-WS-04,	WAS-WS-05,	WAS-WS-06,
WAS-WS-07,	WAS-WS-08,	WAS-WS-09,	WAS-WS-10,
WAS-WS-15,	WAS-WS-16,	WAS-WS-17,	WAS-WS-18,
WAS-WS-19,	WAS-WS-20,	WAS-WS-21,	WAS-WS-22,
WAS-WS-26,	WAS-WS-27,	WAS-WS-28,	WAS-WS-29,
WAS-WS-34,	WAS-WS-35,	WAS-WS-36,	WAS-WS-37,
WAS-WS-38,	WAS-WS-42,	WAS-WS-43,	WAS-WS-44,
WAS-WS-45,	WAS-WS-46,	WAS-WS-47,	WAS-WS-48,
WAS-WS-56,	WAS-WS-60,	WAS-WS-61,	WAS-WS-62,
WAS-WS-63,	WAS-WS-65,	WAS-WS-66,	WAS-WS-69

Sec. 4. Committee district 4 consists of the following:

Marion County TOWNSHIPS:

   Franklin

Lawrence Township PRECINCTS:

LAW-27-08,	LAW-27-09,	LAW-27-10,	LAW-27-11,
LAW-27-12,	LAW-27-14,	LAW-LA-01,	LAW-LA-02,
LAW-LA-03,	LAW-LA-04,	LAW-LA-05,	LAW-LA-06,
LAW-LA-07,	LAW-LA-08,	LAW-LA-09,	LAW-LA-10,
LAW-LA-11,	LAW-LA-12,	LAW-LA-13,	LAW-LA-14,
LAW-LA-15,	LAW-LA-16,	LAW-LA-17,	LAW-LA-18,
LAW-LA-19,	LAW-LA-21,	LAW-LA-22,	LAW-LA-23,
LAW-LA-24,	LAW-LA-25,	LAW-LA-26,	LAW-LA-27,
LAW-LA-28,	LAW-LA-29,	LAW-LA-32,	LAW-LA-33,
LAW-LA-34,	LAW-LA-35,	LAW-LA-36,	LAW-LA-40,
LAW-LA-41,	LAW-LA-42,	LAW-LA-45,	LAW-LA-46,
LAW-LA-47,	LAW-LA-48,	LAW-LA-49,	LAW-LA-53,
LAW-LA-54,	LAW-LA-55,	LAW-LA-56,	LAW-LA-58,
LAW-LA-59,	LAW-LA-60,	LAW-LA-61,	LAW-LA-62,
LAW-LA-63,	LAW-LA-64,	LAW-LA-65,	LAW-LA-66,
LAW-LA-67			

Warren Township PRECINCTS:

WAR-28-05,	WAR-28-08,	WAR-28-10,	WAR-28-12,
WAR-28-13,	WAR-28-14,	WAR-28-15,	WAR-28-16,
WAR-28-17,	WAR-WR-01,	WAR-WR-02,	WAR-WR-03,
WAR-WR-04,	WAR-WR-05,	WAR-WR-06,	WAR-WR-07,
WAR-WR-08,	WAR-WR-09,	WAR-WR-10,	WAR-WR-11,
WAR-WR-12,	WAR-WR-13,	WAR-WR-14,	WAR-WR-15,
WAR-WR-16,	WAR-WR-17,	WAR-WR-18,	WAR-WR-19,
WAR-WR-20,	WAR-WR-21,	WAR-WR-22,	WAR-WR-23

Chapter 3.5. Transitional Provisions

Sec. 1. As used in this chapter, "minority leader" refers to the

1   **minority leader of the city-county council.**
2   **Sec. 2. As used in this chapter, "president" refers to the**
3   **president of the city-county council.**
4   **Sec. 3. (a) Before July 1, 2017, the president shall appoint two**
5   **(2) members of the city-county council to serve as members of the**
6   **committee. The members appointed under this subsection become**
7   **committee members on July 1, 2017.**
8   **(b) Before July 1, 2017, the minority leader shall appoint two (2)**
9   **members of the city-county council to serve as members of the**
10   **committee. The members appointed under this subsection become**
11   **committee members on July 1, 2017.**
12   **(c) The president and the minority leader shall file a written**
13   **notice of the appointments made under this section with the clerk.**
14   **(d) If a vacancy occurs in a position appointed under this section**
15   **before January 1, 2019, the appointing authority who originally**
16   **appointed the member under this section shall fill the vacancy by**
17   **appointing another member of the city-county council to fill the**
18   **vacancy. A member of the city-county council appointed to fill a**
19   **vacancy under this subsection serves the remainder of the term.**
20   **Sec. 4. The term of a committee member appointed under**
21   **section 3 of this chapter expires January 1, 2019.**
22   **Sec. 5. This chapter expires January 1, 2019.**
23   **Chapter 4. Election of Committee Members**
24   **Sec. 1. The 2018 general election is the first election of the**
25   **elected committee members.**
26   **Sec. 2. Except as provided in section 2.2 of this chapter, the term**
27   **of each elected committee member is four (4) years, beginning**
28   **January 1 after the elected committee member's election.**
29   **Sec. 2.2. (a) The committee members elected at the 2018 general**
30   **election serve the following terms:**
31   **(1) The member first elected from committee district 1 serves**
32   **a term of four (4) years, beginning January 1, 2019. The**
33   **successor of the member elected under this subdivision shall**
34   **be elected at the 2022 general election and serve a term of**
35   **four (4) years, beginning January 1, 2023.**
36   **(2) The member first elected from committee district 2 serves**
37   **a term of two (2) years, beginning January 1, 2019. The**
38   **successor of the member elected under this subdivision shall**
39   **be elected at the 2020 general election and serve a term of**
40   **four (4) years, beginning January 1, 2021.**
41   **(3) The member first elected from committee district 3 serves**
42   **a term of two (2) years, beginning January 1, 2019. The**

1 **successor of the member elected under this subdivision shall**
2 **be elected at the 2020 general election and serve a term of**
3 **four (4) years, beginning January 1, 2021.**
4 **(4) The member first elected from committee district 4 serves**
5 **a term of four (4) years, beginning January 1, 2019. The**
6 **successor of the member elected under this subdivision shall**
7 **be elected at the 2022 general election and serve a term of**
8 **four (4) years, beginning January 1, 2023.**
9 **(b) This section expires July 1, 2023.**
10 SECTION 2. IC 3-5-2-29 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: Sec. 29. **(a)** "Local office" means a
12 circuit office, county office, city office, town office, township office, or
13 other civil office for which the electorate of a political subdivision
14 votes.
15 **(b)** The term includes ~~all elected offices other than~~ **the following:**
16 **(1) An elected member of the Marion County judicial**
17 **selection committee established by IC 33-33-49-13.1.**
18 **(2) Any other elected office that is not a** federal, state,
19 legislative, ~~and~~ **or** school board ~~offices.~~ **office.**
20 SECTION 3. IC 3-8-1-25.5 IS ADDED TO THE INDIANA CODE
21 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2017]: **Sec. 25.5. (a) As used in this section, "elected member"**
23 **refers to an elected member of the Marion County judicial**
24 **selection committee established by IC 33-33-49-13.1.**
25 **(b) In addition to the qualifications established by this chapter,**
26 **a candidate for an elected member must meet the qualifications**
27 **established for any other appointed member of the Marion County**
28 **judicial selection committee under IC 33-33-49-13.1.**
29 SECTION 4. IC 3-10-1-16 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. At a primary
31 election a voter may vote for as many candidates for each office as
32 there are persons to be elected to that office at the general election.
33 ~~except as provided in IC 33-33-49-13 for candidates for judge of the~~
34 ~~Marion superior court.~~
35 SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.21-2016,
36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2017]: Sec. 19. (a) The ballot for a primary election shall be
38 printed in substantially the form described in this section for all the
39 offices for which candidates have qualified under IC 3-8.
40 (b) The following shall be printed as the heading for the ballot for
41 a political party:
42 "OFFICIAL PRIMARY BALLOT

9

1   _____ Party (insert the name of the political party)".

2   (c) The following shall be printed immediately below the heading

3 required by subsection (b) or be posted in each voting booth as

4 provided in IC 3-11-2-8(b):

5   (1) For paper ballots, print: To vote for a person, make a voting

6   mark (X or ✓) on or in the box before the person's name in the

7   proper column.

8   (2) For optical scan ballots, print: To vote for a person, darken or

9   shade in the circle, oval, or square (or draw a line to connect the

10   arrow) that precedes the person's name in the proper column.

11   (3) For optical scan ballots that do not contain a candidate's name,

12   print: To vote for a person, darken or shade in the oval that

13   precedes the number assigned to the person's name in the proper

14   column.

15   (4) For electronic voting systems, print: To vote for a person,

16   touch the screen (or press the button) in the location indicated.

17   (d) Local public questions shall be placed on the primary election

18 ballot after the heading and the voting instructions described in

19 subsection (c) (if the instructions are printed on the ballot) and before

20 the offices described in subsection (g).

21   (e) The local public questions described in subsection (d) shall be

22 placed as follows:

23   (1) In a separate column on the ballot if voting is by paper ballot.

24   (2) After the heading and the voting instructions described in

25   subsection (c) (if the instructions are printed on the ballot) and

26   before the offices described in subsection (g), in the form

27   specified in IC 3-11-13-11 if voting is by ballot card.

28   (3) As provided by either of the following if voting is by an

29   electronic voting system:

30   (A) On a separate screen for a public question.

31   (B) After the heading and the voting instructions described in

32   subsection (c) (if the instructions are printed on the ballot) and

33   before the offices described in subsection (g), in the form

34   specified in IC 3-11-14-3.5.

35   (f) A public question shall be placed on the primary election ballot

36 in the following form:

37   (The explanatory text for the public question,

38   if required by law.)

39   "Shall (insert public question)?"

40   [] YES

41   [] NO

42   (g) The offices with candidates for nomination shall be placed on

1   the primary election ballot in the following order:
2   (1) Federal and state offices:
3   (A) President of the United States.
4   (B) United States Senator.
5   (C) Governor.
6   (D) United States Representative.
7   (2) Legislative offices:
8   (A) State senator.
9   (B) State representative.
10   (3) Circuit offices and county judicial offices:
11   (A) Judge of the circuit court, and unless otherwise specified
12   under IC 33, with each division separate if there is more than
13   one (1) judge of the circuit court.
14   (B) Judge of the superior court, and unless otherwise specified
15   under IC 33, with each division separate if there is more than
16   one (1) judge of the superior court.
17   (C) Judge of the probate court.
18   (D) Prosecuting attorney.
19   (E) Circuit court clerk.
20   (4) County offices:
21   (A) County auditor.
22   (B) County recorder.
23   (C) County treasurer.
24   (D) County sheriff.
25   (E) County coroner.
26   (F) County surveyor.
27   (G) County assessor.
28   (H) County commissioner. This clause applies only to a county
29   that is not subject to IC 36-2-2.5.
30   (I) Single county executive. This clause applies only to a
31   county that is subject to IC 36-2-2.5.
32   (J) County council member.
33   **(K) Elected member of the Marion County judicial**
34   **selection committee.**
35   (5) Township offices:
36   (A) Township assessor (only in a township referred to in
37   IC 36-6-5-1(d)).
38   (B) Township trustee.
39   (C) Township board member.
40   (D) Judge of the small claims court.
41   (E) Constable of the small claims court.
42   (6) City offices:

1   (A) Mayor.
2   (B) Clerk or clerk-treasurer.
3   (C) Judge of the city court.
4   (D) City-county council member or common council member.
5   (7) Town offices:
6   (A) Clerk-treasurer.
7   (B) Judge of the town court.
8   (C) Town council member.
9   (h) The political party offices with candidates for election shall be
10 placed on the primary election ballot in the following order after the
11 offices described in subsection (g):
12   (1) Precinct committeeman.
13   (2) State convention delegate.
14   (i) The local offices to be elected at the primary election shall be
15 placed on the primary election ballot after the offices described in
16 subsection (h).
17   (j) The offices described in subsection (i) shall be placed as follows:
18   (1) In a separate column on the ballot if voting is by paper ballot;
19   (2) After the offices described in subsection (h) in the form
20   specified in IC 3-11-13-11 if voting is by ballot card.
21   (3) Either:
22   (A) on a separate screen for each office or public question; or
23   (B) after the offices described in subsection (h) in the form
24   specified in IC 3-11-14-3.5;
25   if voting is by an electronic voting system.
26   SECTION 6. IC 3-10-2-17 IS ADDED TO THE INDIANA CODE
27 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2017] **Sec. 17. (a) As used in this section, "selection committee"**
29 **refers to the Marion County judicial selection committee**
30 **established by IC 33-33-49-13.1.**
31   **(b) As used in this section, "elected member" refers to a**
32 **member of the selection committee elected under IC 3-3.5-4.**
33   **(c) An elected member shall be elected at the general election**
34 **held immediately before the term of office for that position on the**
35 **selection committee expires.**
36   SECTION 7. IC 3-11-2-10, AS AMENDED BY P.L.21-2016,
37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 10. (a) Public questions shall be placed on the
39 general election ballot in the following order after the statement
40 described in section 7 of this chapter, and the instructions described in
41 subsections (d) and (e) and section 8 of this chapter, if instructions are
42 printed on the ballot:

1   (1) Ratification of a state constitutional amendment.

2   (2) Local public questions.

3   **Subject to section 10.1 of this chapter,** each public question shall be

4   placed in a separate column on the ballot.

5   (b) The name or title of the political party or independent ticket

6   described in section 6 of this chapter shall be placed on the general

7   election ballot after the public questions described in subsection (a).

8   The device of the political party or independent ticket shall be placed

9   immediately under the name of the political party or independent ticket.

10 The instructions for voting a straight party ticket shall be placed to the

11 right of the device, if instructions are printed on the ballot.

12   (c) The instructions for voting a straight party ticket must conform

13 as nearly as possible to the following:

14   "(1) To vote a straight (insert political party name) ticket for all

15   (insert political party name) candidates on this ballot, except for

16   candidates described in (2) below, make a voting mark on or in

17   this circle and do not make any other marks on this ballot.

18   (2) To vote for any candidate for an at-large office (insert county

19   council, city common council, town council, or township board if

20   those offices appear on this ballot), you must make another voting

21   mark for each candidate you wish to vote for. Your straight party

22   vote will not count as a vote for any candidate for that office.

23   (3) If you wish to vote for a candidate seeking a nonpartisan office

24   or on a public question, you must make another voting mark on

25   the appropriate place on this ballot.".

26   (d) Except as permitted under section 8(b) of this chapter, if the

27 ballot contains an independent ticket described in section 6 of this

28 chapter and at least one (1) other independent candidate, the ballot

29 must also contain a statement that reads substantially as follows: "A

30 vote cast for an independent ticket will only be counted for the

31 candidates for President and Vice President or governor and lieutenant

32 governor comprising that independent ticket. This vote will NOT be

33 counted for any OTHER independent candidate appearing on the

34 ballot.".

35   (e) Except as permitted under section 8(b) of this chapter, the ballot

36 must also contain a statement that reads substantially as follows: "A

37 write-in vote will NOT be counted unless the vote is for a DECLARED

38 write-in candidate. To vote for a write-in candidate, you must make a

39 voting mark on or in the square to the left of the name you have written

40 in or your vote will not be counted.".

41   (f) **Subject to section 10.1 of this chapter,** the list of candidates of

42 the political party shall be placed immediately under the instructions

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1 for voting a straight party ticket. The names of the candidates shall be
2 placed three-fourths (3/4) of an inch apart from center to center of the
3 name. The name of each candidate must have, immediately on its left,
4 a square three-eighths (3/8) of an inch on each side.
5 (g) The circuit court clerk may authorize the printing of ballots
6 containing a ballot variation code to ensure that the proper version of
7 a ballot is used within a precinct.
8 SECTION 8. IC 3-11-2-10.1 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: **Sec. 10.1. (a) This section applies only to a**
11 **public question concerning the retention in office of a judge of the**
12 **Marion superior court under IC 33-33-49.**
13 **(b) The question of the retention of the judge at the general**
14 **election shall be placed on the ballot at the same row or column**
15 **level of the ballot at which the question of other judges is placed on**
16 **the ballot but in a column or row in which independent candidates**
17 **are placed on the ballot.**
18 **(c) If the question of the retention of more than one (1) judge is**
19 **placed on a ballot, the judges shall be placed on the ballot in**
20 **alphabetical order according to surname.**
21 SECTION 9. IC 3-11-2-12, AS AMENDED BY P.L.21-2016,
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2017]: Sec. 12. The following offices shall be placed on the
24 general election ballot in the following order after the public questions
25 described in section 10(a) of this chapter:
26   (1) Federal and state offices:
27   (A) President and Vice President of the United States.
28   (B) United States Senator.
29   (C) Governor and lieutenant governor.
30   (D) Secretary of state.
31   (E) Auditor of state.
32   (F) Treasurer of state.
33   (G) Attorney general.
34   (H) Superintendent of public instruction.
35   (I) United States Representative.
36   (2) Legislative offices:
37   (A) State senator.
38   (B) State representative.
39   (3) Circuit offices and county judicial offices:
40   (A) Judge of the circuit court, and unless otherwise specified
41   under IC 33, with each division separate if there is more than
42   one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Prosecuting attorney.

(E) Clerk of the circuit court.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.

(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.

(J) County council member, except as provided in section 12.4 of this chapter.

(K) Elected member of the Marion County judicial selection committee.

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member, except as provided in section 12.4 of this chapter.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member, except as provided in section 12.4 of this chapter.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member, except as provided in section 12.4 of this chapter.

SECTION 10. IC 3-13-6-1, AS AMENDED BY P.L.194-2013,

SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 1. (a) As used in this section, "judge" refers
to a judge of a circuit, superior, or probate court.

(b) If a judge wants to resign from office, the judge must resign as
provided in IC 5-8-3.5.

(c) A vacancy that occurs because of the death of a judge may be
certified to the governor under IC 5-8-6.

(d) A vacancy that occurs, other than by resignation or death of a
judge, shall be certified to the governor by the circuit court clerk of the
county in which the judge resided.

(e) A vacancy in the office of judge of a circuit court shall be filled
by the governor as provided by Article 5, Section 18 of the Constitution
of the State of Indiana. However, the governor may not fill a vacancy
that occurs because of the death of a judge until the governor receives
notice of the death under IC 5-8-6.

(f) The person who is appointed holds the office until:
    (1) the end of the unexpired term; or
    (2) a successor is elected at the next general election for the
    office, and qualified;
whichever occurs first.

(g) Except as provided in this subsection, the office of judge of the
circuit court shall be elected at the next general election following the
date any vacancy occurred. If a vacancy occurs in the office of judge of
the circuit court after noon seventy-four (74) days before a general
election, the office shall be elected at the second general election
following the date any vacancy occurred.

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

(i) A vacancy in the office of judge of a superior or probate court
shall be filled by the governor subject to the following:
    (1) IC 33-33-2-39.
    (2) IC 33-33-2-43.
    (3) IC 33-33-45-38.
    (4) IC 33-33-71-40.
    (5) IC 33-33-49-13.4.
However, the governor may not fill a vacancy that occurs because of
the death of a judge until the governor receives notice of the death
under IC 5-8-6. The person who is appointed holds office for the
remainder of the unexpired term.

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1   SECTION 11. IC 33-23-11-2 IS AMENDED TO READ AS
2   FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this
3   chapter, "close relative" means a person: ~~related to:~~
4   (1) related to another person filing a statement of economic
5   interest; or
6   (2) related to the other person's spouse;
7   as a son, a daughter, a grandson, a granddaughter, a great-grandson, a
8   great-granddaughter, a father, a mother, a grandfather, a grandmother,
9   a great-grandfather, a great-grandmother, a brother, a sister, a nephew,
10 a niece, an uncle, or an aunt. For purposes of this section, relatives by
11 adoption, half-blood, marriage, or remarriage are treated as relatives of
12 whole kinship.
13   SECTION 12. IC 33-33-49-6, AS AMENDED BY P.L.80-2006,
14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 6. (a) There is established a superior court in
16 Marion County. The court consists of:
17   (1) thirty-five (35) judges beginning January 1, 2007, and ending
18   December 31, 2008; and
19   (2) thirty-six (36) judges beginning January 1, 2009.
20   (b) To be qualified to serve as a judge of the court, a person must be,
21 at the time ~~a declaration of candidacy or a petition of nomination under~~
22 ~~IC 3-8-6 is filed~~ **the person applies to fill an open judicial seat or a**
23 **vacancy or files for retention:**
24   (1) a resident of Marion County; and
25   (2) an attorney who has been admitted to the bar of Indiana for at
26   least five (5) years.
27   (c) During the term of office, a judge of the court must remain a
28 resident of Marion County.
29   SECTION 13. IC 33-33-49-13 IS REPEALED [EFFECTIVE UPON
30 PASSAGE]. ~~Sec. 13. (a) Each judge of the court shall be elected for a~~
31 ~~term of six (6) years that begins January 1 after the year of the judge's~~
32 ~~election and continues through December 31 in the sixth year. The~~
33 ~~judge shall hold office for the six (6) year term or until the judge's~~
34 ~~successor is elected and qualified. A candidate for judge shall run at~~
35 ~~large for the office of judge of the court and not as a candidate for~~
36 ~~judge of a particular room or division of the court.~~
37   ~~(b) At the primary election held in 2008 and every six (6) years~~
38 ~~thereafter, a political party may nominate not more than eight (8)~~
39 ~~candidates for judge of the court. At the primary election held in 2006~~
40 ~~and every six (6) years thereafter, a political party may nominate not~~
41 ~~more than ten (10) candidates for judge of the court. The candidates~~
42 ~~shall be voted on at the general election. Other candidates may qualify~~

1 under IC 3-8-6 to be voted on at the general election.
2 (c) The names of the party candidates nominated and properly
3 certified to the Marion County election board, along with the names of
4 other candidates who have qualified, shall be placed on the ballot at the
5 general election in the form prescribed by IC 3-11. At the 2008 general
6 election and every six (6) years thereafter, persons eligible to vote at
7 the general election may vote for sixteen (16) candidates for judge of
8 the court. Beginning with the 2006 general election and every six (6)
9 years thereafter, persons eligible to vote at the general election may
10 vote for twenty (20) candidates for judge of the court.
11 (d) The candidates for judge of the court receiving the highest
12 number of votes shall be elected to the vacancies. The names of the
13 candidates elected as judges of the court shall be certified to the county
14 election board as provided by law.
15 SECTION 14. IC 33-33-49-13.1 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: **Sec. 13.1. (a) As used in this**
18 **chapter:**
19 **(1) "close relative" has the meaning set forth in**
20 **IC 33-23-11-2; and**
21 **(2) "committee" refers to the Marion County judicial**
22 **selection committee established by subsection (b).**
23 **(b) The Marion County judicial selection committee is**
24 **established to select judges and nominees for the court.**
25 **(c) The committee consists of the following fourteen (14)**
26 **members:**
27 **(1) Four (4) members who reside in Marion County,**
28 **appointed as follows:**
29 **(A) One (1) member appointed by the speaker of the house**
30 **of representatives.**
31 **(B) One (1) member appointed by the minority leader of**
32 **the house of representatives.**
33 **(C) One (1) member appointed by the president pro**
34 **tempore of the senate.**
35 **(D) One (1) member appointed by the minority leader of**
36 **the senate.**
37 **A person appointed under this subdivision may not be a**
38 **member of the general assembly.**
39 **(2) Four (4) members:**
40 **(A) appointed under IC 3-3.5-3.5, before January 1, 2019;**
41 **and**
42 **(B) elected under IC 3-3.5-4, beginning with the 2018**

general election.
    (3) Two (2) members appointed by the chairperson of each major political party (as defined by IC 3-5-2-30(2)) in Marion County. Each of the four (4) members appointed under this subdivision must reside in Marion County.
    (4) The chief judge of the Indiana Court of Appeals or a designee of the chief judge who is a judge of the Indiana Court of Appeals. The chief judge or chief judge's designee serves as the vice chairperson of the committee ex officio.
    (5) The chief justice of Indiana or a designee of the chief justice who is a justice of the Indiana Supreme Court. The chief justice or chief justice's designee serves as the chairperson of the committee ex officio.
  (d) If a member of the committee is employed by a law firm, no other person employed by the same law firm may be appointed or elected to the committee.
  (e) A member of the committee may not be:
    (1) a current or former judge of the Marion superior or circuit court;
    (2) a current or former judicial officer appointed by the Marion superior or circuit court;
    (3) a current or former employee of the Marion superior or circuit court; or
    (4) a close relative of anyone described in subdivision (1), (2), or (3).
This subsection does not apply to a member appointed under subsection (c)(4) or (c)(5).
  (f) All attorney members of the committee must be in active and good standing with the Indiana Supreme Court.
  (g) Each member of the committee who is not an ex officio or elected member serves a four (4) year term, beginning on July 1, 2017, and ending on June 30, 2021. A member of the committee may be reappointed for one (1) or more additional four (4) year terms. If a member is appointed to fill a vacancy, the member serves during the unexpired term of the member's predecessor and may be reappointed for one (1) or more additional four (4) year terms.
  (h) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy.
  (i) An ex officio member of the committee ceases to be a member of the committee at the time the person no longer holds the office

that entitles the person to be a member of the committee.

(j) A member of the committee described in subsection (c)(1) through (c)(3) who no longer resides in Marion County is considered to have resigned from the committee. A member of the committee who no longer resides in Marion County shall notify the chairperson in writing of the member's change in residence.

(k) A quorum consists of nine (9) members of the committee.

(l) The affirmative votes of nine (9) members of the committee are required for the committee to take official action with respect to any candidate for judicial office.

(m) The committee shall nominate and appoint judicial candidates for the court in accordance with section 13.4 of this chapter.

(n) The committee meets upon the call of the chairperson.

(o) The committee shall meet in the Indiana statehouse, or in any other appropriate location in Marion County, as determined by the chairperson.

(p) Except as otherwise provided in subsection (q) or otherwise provided in this chapter, the committee may adopt its own policies and operating procedures. The policies and procedures must comply with IC 5-14-1.5 (the open door law) and this chapter, and must include procedures by which eligible candidates for a vacancy or open judicial seat on the court may submit their names to the committee. The policies and procedures are public records, and the meetings of the committee at which the policies and procedures are considered for initial adoption or amendment must be publicly announced and open to the public.

(q) Notwithstanding IC 5-14-1.5-2, the committee is a public agency for the purposes of IC 5-14-1.5. The committee may meet in executive session under IC 5-14-1.5-6.1 for the consideration of a candidate for appointment to the court if:

(1) notice of the executive session is given in the manner prescribed by IC 5-14-1.5-5; and

(2) all interviews of candidates are conducted at meetings open to the public.

(r) Notwithstanding IC 5-14-3-4, all public records (as defined in IC 5-14-3-2) of the committee are subject to IC 5-14-3-3, including records described in IC 5-14-3-4(b)(12). However, the following records are excepted from public inspection and copying at the discretion of the committee:

(1) Personnel files of committee employees and members and files of applicants for employment with the committee to the

1   **extent permitted under IC 5-14-3-4(b)(8).**
2   **(2) Records specifically prepared for discussion or developed**
3   **during discussion in an executive session under**
4   **IC 5-14-1.5-6.1, unless the records are prepared for use in the**
5   **consideration of a candidate for judicial appointment.**
6   **(3) Investigatory records prepared for the committee until:**
7   **(A) the records are considered in connection with the**
8   **consideration of a candidate;**
9   **(B) the records are publicly discussed by the committee in**
10   **connection with the consideration of a candidate;**
11   **(C) a candidate elects to have the records released by the**
12   **committee; or**
13   **(D) the committee elects to release the records that the**
14   **committee considers appropriate in response to publicly**
15   **disseminated statements relating to the activities or actions**
16   **of the committee;**
17   **whichever occurs first.**
18   **(4) Applications of candidates for judicial appointment who**
19   **are not among the applicants eligible for further**
20   **consideration following action by the committee.**
21   **(5) The work product of an attorney (as defined in**
22   **IC 5-14-3-2) representing the committee.**
23   **(s) When an event described by subsection (r)(3) occurs, the**
24   **investigatory record becomes available for public inspection and**
25   **copying under IC 5-14-3-3.**
26   **(t) A former member of the committee may not be nominated or**
27   **appointed as a judge of the court if the person has served as a**
28   **member of the committee within the previous five (5) years.**
29   SECTION 15. IC 33-33-49-13.2 IS ADDED TO THE INDIANA
30   CODE AS A **NEW** SECTION TO READ AS FOLLOWS
31   [EFFECTIVE UPON PASSAGE]: **Sec. 13.2. (a) Except for the**
32   **transitional period described in subsection (h), each judge of the**
33   **court shall serve a term of six (6) years. The judge shall hold office**
34   **for the six (6) year term or until the judge's successor is appointed**
35   **and qualified. A judge shall be appointed at large for the office of**
36   **judge of the court and not as the judge of a particular room or**
37   **division of the court.**
38   **(b) The thirty-six (36) judges of the court shall be divided into**
39   **three (3) retention classes. Each retention class consists of twelve**
40   **(12) judges.**
41   **(c) Retention class A consists of twelve (12) of the twenty (20)**
42   **judges:**

1   **(1) whose terms expire on December 31, 2018; and**
2   **(2) who have the most seniority as judges.**
3 **If two (2) or more judges have equal seniority such that the**
4 **assignment of only twelve (12) judges to retention class A cannot**
5 **be made, those judges having the lowest bar number (not including**
6 **the county identifier) have the highest seniority.**
7   **(d) Retention class B consists of:**
8   **(1) four (4) of the sixteen (16) judges who have the most**
9   **seniority as judges and whose terms expire on December 31,**
10   **2020; and**
11   **(2) the eight (8) judges not assigned to retention class A whose**
12   **terms would have expired on December 31, 2018 (not**
13   **including the transitional period described in subsection (h)).**
14 **If two (2) or more judges have equal seniority such that the**
15 **assignment of only four (4) judges described in subdivision (1) to**
16 **retention class B cannot be made, those judges having the lowest**
17 **bar number (not including the county identifier) have the highest**
18 **seniority.**
19   **(e) Retention class C consists of the twelve (12) judges:**
20   **(1) whose terms would have otherwise expired on December**
21   **31, 2020 (not including the transitional period described in**
22   **subsection (h)); and**
23   **(2) who are not assigned to retention class B.**
24   **(f) The term of a judge assigned to:**
25   **(1) retention class A begins January 1, 2019, and every six (6)**
26   **years thereafter, and continues through December 31, 2025,**
27   **and every six (6) years thereafter;**
28   **(2) retention class B begins January 1, 2021, and every six (6)**
29   **years thereafter, and continues through December 31, 2027,**
30   **and every six (6) years thereafter; and**
31   **(3) retention class C begins January 1, 2023, and every six (6)**
32   **years thereafter, and continues through December 31, 2029,**
33   **and every six (6) years thereafter.**
34   **(g) A newly appointed judge is assigned the retention class of the**
35 **judge's predecessor.**
36   **(h) Notwithstanding any other law, the term of a judge**
37 **described in:**
38   **(1) subsection (d)(2) expires December 31, 2020; and**
39   **(2) subsection (e) expires December 31, 2022.**
40 **This subsection expires on January 1, 2025.**
41   SECTION 16. IC 33-33-49-13.3 IS ADDED TO THE INDIANA
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

1   [EFFECTIVE UPON PASSAGE]: **Sec. 13.3. (a) The retention in**
2   **office of a sitting judge of the court shall be approved or rejected**
3   **by the electorate of Marion County in accordance with this section.**
4   **(b) A judge who wishes to be retained in office shall file a**
5   **statement with the clerk and the secretary of state during the**
6   **period described in IC 3-8-2-4 during which a declaration of**
7   **candidacy must be filed in the year in which the judge's term**
8   **expires. The judge's statement must include the following**
9   **information:**
10   **(1) A statement indicating that the judge wishes to have the**
11   **question of the judge's retention placed on the ballot.**
12   **(2) A statement of the judge's name as:**
13   **(A) the judge wants the judge's name to appear on the**
14   **ballot; and**
15   **(B) a candidate's name is permitted to appear on the ballot**
16   **under IC 3-5-7.**
17   **(3) If the judge is affiliated with a political party, the name of**
18   **that political party. The judge may indicate in the statement**
19   **that the judge is not affiliated with a political party. For**
20   **purposes of this subdivision, a judge's affiliation with a**
21   **political party is determined as provided in IC 3-8-2-7(a)(4).**
22   **(4) A statement that the judge requests that the name on the**
23   **judge's voter registration record be the same as the name the**
24   **judge uses on the statement. If there is a difference between**
25   **the name on the judge's statement and the name on the**
26   **judge's voter registration record, the clerk shall change the**
27   **name on the judge's voter registration record to be the same**
28   **as the name on the judge's statement.**
29   **If a judge does not file a statement under this subsection with both**
30   **the clerk and the secretary of state, the clerk shall, not later than**
31   **March 1, notify the Marion County judicial selection committee in**
32   **writing that the judge does not wish to continue in office after the**
33   **end of the judge's term of office.**
34   **(c) The term of a judge:**
35   **(1) who does not file statements under subsection (b); and**
36   **(2) whose term expires during the year in which the question**
37   **of the retention of the judge would have been placed on the**
38   **general election ballot;**
39   **expires December 31 of the year in which the question of the**
40   **judge's retention would have been placed on the ballot.**
41   **(d) If the question of a judge's retention is required to be on the**
42   **ballot at a general election, the question of approval or rejection of**

the judge's retention shall be placed on the general election ballot
in the form prescribed by IC 3-11-2 and must state:

"Shall Judge (insert here the name of the judge as stated
under subsection (b)(2)) be retained in office?".

If a majority of the ballots cast by the electors voting on the
question is "Yes", the judge whose name appears on the question
shall be approved for a six (6) year term beginning January 1
following the general election as provided in section 13.2 of this
chapter. If a majority of the ballots cast by the electors voting on
the question is not "Yes", the following apply:

    (1) Retention of the judge whose name appears on the
    question is rejected.

    (2) The office of the rejected judge becomes vacant on
    January 1 following the rejection.

    (3) The vacancy shall be filled in accordance with this chapter.

SECTION 17. IC 33-33-49-13.4 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: **Sec. 13.4. (a) The following
definitions apply throughout this section:**

    **(1) "Open judicial seat" means a judicial office that cannot be
    filled by a sitting judge because:**

      (A) the sitting judge:

        (i) is retiring after completing the judge's term;

        (ii) has lost a retention election;

        **(iii) was appointed to fill a vacancy and has completed
        the vacant term; or**

        **(iv) is otherwise leaving office after completing the
        judge's full term; or**

      (B) a new court has been created.

    **(2) "Vacancy" refers to an unfilled judicial office that is
    created because a judge leaves office before the judge's term
    has expired.**

  **(b) When the committee learns that an open judicial seat exists
or will exist in the court, the committee shall appoint a judge to fill
the open judicial seat in accordance with subsection (e).**

  **(c) When the committee learns that a vacancy exists or will exist
in the court, the committee shall nominate three (3) candidates for
appointment by the governor, in accordance with subsection (f).**

  **(d) In making an appointment or nomination under this section,
the committee shall consider the following factors with respect to
a candidate:**

    (1) Law school record, including any academic honors and

1 **achievements.**
2 **(2) Contribution to scholarly journals and publications,**
3 **legislative drafting, and legal briefs.**
4 **(3) Activities in public service, including:**
5 **(A) writings and speeches concerning public or civic affairs**
6 **that are on public record, including but not limited to**
7 **campaign speeches or writing, letters to newspapers, and**
8 **testimony before public agencies;**
9 **(B) efforts and achievements in improving the**
10 **administration of justice; and**
11 **(C) other conduct relating to the candidate's profession.**
12 **(4) Legal experience, including the number of years of**
13 **practicing law, the kind of practice involved, and reputation**
14 **as a trial lawyer or judge.**
15 **(5) Probable judicial temperament.**
16 **(6) Physical condition, including age, stamina, and possible**
17 **substance abuse issues.**
18 **(7) Personality traits, including the exercise of sound**
19 **judgment, ability to compromise and conciliate patience,**
20 **decisiveness, and dedication.**
21 **(8) Membership on boards of directors, financial interest, and**
22 **any other consideration that might create conflict of interest**
23 **with a judicial office.**
24 **(9) Any other pertinent information that the committee**
25 **considers important in selecting the best qualified candidates**
26 **for judicial office.**
27 **(e) This subsection applies only to an open judicial seat. As soon**
28 **as practicable after the committee learns of an open judicial seat,**
29 **the committee shall publicly announce that it is accepting**
30 **applications from qualified individuals wishing to fill the open**
31 **judicial seat. The committee shall determine the form and content**
32 **of the application, establish a timetable for the appointment of the**
33 **new judge, and schedule one (1) or more hearings to interview**
34 **qualified applicants and select the individual who will be appointed**
35 **as judge. To the extent practicable, the committee shall endeavor**
36 **to interview as many qualified applicants as possible. However, if**
37 **a large number of applicants have applied for an open judicial seat,**
38 **the committee may limit itself to interviewing only the most**
39 **qualified applicants. The committee may conduct multiple**
40 **interviews. At the conclusion of the interview process, the**
41 **committee shall appoint the most qualified applicant as judge. The**
42 **judge serves a term as described in section 13.2 of this chapter and**

1   **may serve additional continuous terms as long as the judge is**
2   **retained in office by the electorate.**
3   **(f) This subsection applies only to a vacancy. As soon as**
4   **practicable after the committee learns of a vacancy, the committee**
5   **shall publicly announce that it is accepting applications from**
6   **qualified individuals wishing to fill the vacancy. The committee**
7   **shall determine the form and content of the application, establish**
8   **a timetable for nominations, and schedule one (1) or more hearings**
9   **to interview qualified applicants and select nominees to fill the**
10   **vacancy. To the extent practicable, the committee shall endeavor**
11   **to interview as many qualified applicants as possible. However, if**
12   **a large number of applicants have applied to fill a vacancy, the**
13   **committee may limit itself to interviewing only the most qualified**
14   **applicants. The committee may conduct multiple interviews. At the**
15   **conclusion of the interview process, the committee shall nominate**
16   **the three (3) most qualified candidates and forward their names to**
17   **the governor, who shall appoint one (1) of the nominees as judge.**
18   **The judge appointed by the governor under this subsection serves**
19   **only until the term of the judge's predecessor in office expires and**
20   **is not eligible to stand for retention at the end of the term. When**
21   **the term expires, the seat becomes an open judicial seat and shall**
22   **be filled by the committee in accordance with subsection (e).**
23   **(g) In no event may more than fifty-two percent (52%) of the**
24   **judges serving on the court be members of the same political party.**
25   SECTION 18. **An emergency is declared for this act.**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1036, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 36, after "committee" insert "**ex officio**".

Page 6, line 40, after "committee" insert "**ex officio**".

Page 8, line 40, delete "or introduced into evidence" and insert "**and considered**".

Page 10, line 32, delete "subsection (d)(2)" and insert "**subsection (d)**".

and when so amended that said bill do pass.

(Reference is to HB 1036 as introduced.)

WASHBURNE

Committee Vote: yeas 10, nays 3.

————

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1036, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 3.5. MARION COUNTY JUDICIAL SELECTION COMMITTEE

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "City-county council" refers to the Indianapolis, Marion County city-county council.

Sec. 3. "Clerk" refers to the Marion County circuit court clerk.

Sec. 4. "Committee" refers to the Marion County judicial selection committee established by IC 33-33-49-13.1.

Sec. 5. "District" refers to a district described in IC 3-3.5-3.

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Sec. 6. "Elected committee member" refers to a member of the committee required to be elected under IC 33-33-49-13.1.

Sec. 7. "GIS" refers to the geographic information system maintained by the office that contains the following information:

(1) Geographic and population information provided in the official census report to the state by the United States Department of Commerce, Bureau of the Census, in reporting the 2010 decennial census of Indiana.

(2) Election history and supplemental geographic information compiled by the legislative services agency.

Sec. 8. "Legislative services agency" refers to the legislative services agency established under IC 2-5-1.1-7.

Sec. 9. "Office" refers to the office of census data of the legislative services agency.

Chapter 2. General Provisions Relating to Establishing Districts

Sec. 1. All terms and references to geographic units made in the descriptions of districts in this article:

(1) have the same meanings as the terms have when used by the United States Department of Commerce, Bureau of the Census, in reporting the 2010 decennial census of Indiana as supplemented by geographic information compiled and documented by the legislative services agency;

(2) describe the same geographical boundaries as depicted by maps included in the GIS; and

(3) are located in Marion County, Indiana.

Sec. 2. (a) Any part of Marion County that has not been described as included in a district is included within the district that:

(1) is contiguous to the part; and

(2) contains the least population of districts contiguous to that part according to the 2010 decennial census of Indiana.

(b) If any part of Marion County is described as being in more than one (1) district, the part is included within the district that:

(1) is one (1) of the districts in which the part is listed in IC 3-3.5-3, whichever is applicable;

(2) is contiguous to the part; and

(3) contains the least population according to the 2010 decennial census of Indiana.

(c) If any part of Marion County:

(1) is described in IC 3-3.5-3 as being in one (1) district; and

(2) is entirely surrounded by another district;

the part shall be incorporated into the district that surrounds the

part.
    (d) If any part of Marion County:
      (1) is described as being in one (1) district; and
      (2) is not contiguous to another part of the district that contains the majority of the population in the district;
the part is included with the contiguous district that contains the least population according to the 2010 decennial census of Indiana.
    Sec. 3. (a) As used in this section, "geographic sliver" means a polygon contained in the GIS resulting from the overlay of an existing geographic data set onto a more recent version of that geographic data set.
    (b) A geographic sliver is considered to be included in the description of the larger unit of geography to which the geographic sliver belongs within the same geographic data set.
    (c) If this article provides that a district includes a unit of geography in Marion County, that district contains any geographic slivers included in that unit of geography under subsection (b).
    Sec. 4. The office shall make modifications in the GIS necessary to conform the GIS to the rules stated in sections 2 and 3 of this chapter.
    Sec. 5. The legislative services agency shall separately maintain and preserve in the GIS the descriptions and maps included in the 2010 decennial census of Indiana. The legislative services agency shall make those descriptions and maps available for public inspection during regular office hours and on the Internet.
    Sec. 6. The official report and all official documents relating to the report of the 2010 decennial census are incorporated by reference into this article.
    Chapter 3. Elected Committee Member Election Districts
    Sec. 1. Committee district 1 consists of the following:
    Marion County TOWNSHIPS:
      Decatur, Perry
    Center Township PRECINCTS:
      CENTER-13-01, CENTER-13-02, CENTER-13-03, CENTER-13-04, CENTER-13-05, CENTER-14-01, CENTER-14-02, CENTER-16-05, CENTER-17-01, CENTER-17-02, CENTER-17-03, CENTER-17-04, CENTER-17-05, CENTER-30-01, CENTER-30-02, CENTER-30-03, CENTER-30-04, CENTER-30-05, CENTER-30-06, CENTER-30-07, CENTER-CO-01, CENTER-CO-02
    Wayne Township PRECINCTS:

WAY-24-04, WAY-24-05, WAY-WY-29, WAY-WY-30,
WAY-WY-31, WAY-WY-32, WAY-WY-33, WAY-WY-38,
WAY-WY-39, WAY-WY-40, WAY-WY-41, WAY-WY-43,
WAY-WY-44, WAY-WY-45, WAY-WY-46, WAY-WY-47,
WAY-WY-48, WAY-WY-49, WAY-WY-50, WAY-WY-51,
WAY-WY-52, WAY-WY-53, WAY-WY-54, WAY-WY-55,
WAY-WY-56, WAY-WY-57, WAY-WY-58, WAY-WY-59,
WAY-WY-60

Sec. 2. Committee district 2 consists of the following:

Marion County TOWNSHIPS:

Pike

Center Township PRECINCTS:

CENTER-05-01, CENTER-05-02, CENTER-05-03,
CENTER-05-04, CENTER-05-05, CENTER-05-06,
CENTER-06-01, CENTER-06-02, CENTER-06-03,
CENTER-06-04, CENTER-06-05, CENTER-06-06,
CENTER-07-01, CENTER-12-01, CENTER-12-02,
CENTER-12-03

Washington Township PRECINCTS:

WAS-WS-01, WAS-WS-02, WAS-WS-03, WAS-WS-11,
WAS-WS-12, WAS-WS-13, WAS-WS-14, WAS-WS-23,
WAS-WS-24, WAS-WS-25, WAS-WS-30, WAS-WS-31,
WAS-WS-32, WAS-WS-33, WAS-WS-39, WAS-WS-40,
WAS-WS-41, WAS-WS-49, WAS-WS-50, WAS-WS-51,
WAS-WS-52, WAS-WS-53, WAS-WS-54, WAS-WS-55,
WAS-WS-57, WAS-WS-58, WAS-WS-59, WAS-WS-64,
WAS-WS-67, WAS-WS-68

Wayne Township PRECINCTS:

WAY-19-01, WAY-19-02, WAY-19-03, WAY-19-04,
WAY-19-05, WAY-19-06, WAY-24-01, WAY-24-02,
WAY-24-03, WAY-29-01, WAY-29-02, WAY-29-03,
WAY-29-04, WAY-29-05, WAY-29-06, WAY-29-07,
WAY-29-08, WAY-29-09, WAY-29-10, WAY-29-11,
WAY-29-12, WAY-29-13, WAY-29-14, WAY-29-15,
WAY-29-16, WAY-29-17, WAY-29-18, WAY-WY-01,
WAY-WY-02, WAY-WY-03, WAY-WY-04, WAY-WY-05,
WAY-WY-06, WAY-WY-07, WAY-WY-08, WAY-WY-09,
WAY-WY-10, WAY-WY-11, WAY-WY-12, WAY-WY-13,
WAY-WY-14, WAY-WY-15, WAY-WY-16, WAY-WY-17,
WAY-WY-18, WAY-WY-19, WAY-WY-20, WAY-WY-21,
WAY-WY-22, WAY-WY-23, WAY-WY-24, WAY-WY-25,
WAY-WY-26, WAY-WY-27, WAY-WY-28, WAY-WY-34,

WAY-WY-35, WAY-WY-36, WAY-WY-37, WAY-WY-42
Sec. 3. Committee district 3 consists of the following:
Center Township PRECINCTS:
  CENTER-01-01,   CENTER-01-02,   CENTER-01-03,
  CENTER-01-04,   CENTER-01-05,   CENTER-01-06,
  CENTER-01-07,   CENTER-01-08,   CENTER-01-09,
  CENTER-01-10,   CENTER-02-01,   CENTER-02-02,
  CENTER-02-03,   CENTER-02-04,   CENTER-03-01,
  CENTER-03-02,   CENTER-03-03,   CENTER-03-04,
  CENTER-03-05,   CENTER-04-01,   CENTER-04-02,
  CENTER-04-03,   CENTER-04-04,   CENTER-04-05,
  CENTER-07-02,   CENTER-07-03,   CENTER-08-01,
  CENTER-08-02,   CENTER-08-03,   CENTER-09-01,
  CENTER-09-02,   CENTER-09-03,   CENTER-09-04,
  CENTER-09-05,   CENTER-09-06,   CENTER-09-07,
  CENTER-10-01,   CENTER-10-02,   CENTER-10-03,
  CENTER-10-04,   CENTER-10-05,   CENTER-11-01,
  CENTER-11-02,   CENTER-11-03,   CENTER-11-04,
  CENTER-11-05,   CENTER-15-01,   CENTER-15-02,
  CENTER-16-01,   CENTER-16-02,   CENTER-16-03,
  CENTER-16-04,   CENTER-23-01,   CENTER-23-02,
  CENTER-23-03,   CENTER-23-04,   CENTER-23-05,
  CENTER-23-06,   CENTER-23-07,   CENTER-23-08,
  CENTER-23-09,   CENTER-25-01,   CENTER-25-02,
  CENTER-25-03, CENTER-25-04, CENTER-25-05
Lawrence Township PRECINCTS:
  LAW-27-01,   LAW-27-02,   LAW-27-03,   LAW-27-04,
  LAW-27-05,   LAW-27-06,   LAW-27-07,   LAW-27-13,
  LAW-LA-20,   LAW-LA-30,   LAW-LA-31,   LAW-LA-37,
  LAW-LA-38,   LAW-LA-39,   LAW-LA-43,   LAW-LA-44,
  LAW-LA-50, LAW-LA-51, LAW-LA-52, LAW-LA-57
Warren Township PRECINCTS:
  WAR-18-01,   WAR-18-02,   WAR-18-03,   WAR-18-04,
  WAR-18-05,   WAR-18-06,   WAR-18-07,   WAR-28-01,
  WAR-28-02,   WAR-28-03,   WAR-28-04,   WAR-28-06,
  WAR-28-07, WAR-28-09, WAR-28-11
Washington Township PRECINCTS:
  WAS-20-01,   WAS-20-02,   WAS-20-03,   WAS-20-04,
  WAS-20-05,   WAS-20-06,   WAS-20-07,   WAS-20-08,
  WAS-20-09,   WAS-20-10,   WAS-20-11,   WAS-20-12,
  WAS-21-01,   WAS-21-02,   WAS-21-03,   WAS-21-04,
  WAS-21-05,   WAS-21-06,   WAS-21-07,   WAS-21-08,

WAS-21-09,   WAS-21-10,   WAS-21-11,   WAS-21-12,
WAS-21-13,   WAS-22-01,   WAS-22-02,   WAS-22-03,
WAS-22-04,   WAS-22-05,   WAS-22-06,   WAS-22-07,
WAS-22-08,   WAS-31-01,   WAS-31-02,   WAS-31-03,
WAS-31-04,   WAS-WS-04,   WAS-WS-05,   WAS-WS-06,
WAS-WS-07,   WAS-WS-08,   WAS-WS-09,   WAS-WS-10,
WAS-WS-15,   WAS-WS-16,   WAS-WS-17,   WAS-WS-18,
WAS-WS-19,   WAS-WS-20,   WAS-WS-21,   WAS-WS-22,
WAS-WS-26,   WAS-WS-27,   WAS-WS-28,   WAS-WS-29,
WAS-WS-34,   WAS-WS-35,   WAS-WS-36,   WAS-WS-37,
WAS-WS-38,   WAS-WS-42,   WAS-WS-43,   WAS-WS-44,
WAS-WS-45,   WAS-WS-46,   WAS-WS-47,   WAS-WS-48,
WAS-WS-56,   WAS-WS-60,   WAS-WS-61,   WAS-WS-62,
WAS-WS-63, WAS-WS-65, WAS-WS-66, WAS-WS-69

Sec. 4. Committee district 4 consists of the following:

Marion County TOWNSHIPS:

Franklin

Lawrence Township PRECINCTS:

LAW-27-08,   LAW-27-09,   LAW-27-10,   LAW-27-11,
LAW-27-12,   LAW-27-14,   LAW-LA-01,   LAW-LA-02,
LAW-LA-03,   LAW-LA-04,   LAW-LA-05,   LAW-LA-06,
LAW-LA-07,   LAW-LA-08,   LAW-LA-09,   LAW-LA-10,
LAW-LA-11,   LAW-LA-12,   LAW-LA-13,   LAW-LA-14,
LAW-LA-15,   LAW-LA-16,   LAW-LA-17,   LAW-LA-18,
LAW-LA-19,   LAW-LA-21,   LAW-LA-22,   LAW-LA-23,
LAW-LA-24,   LAW-LA-25,   LAW-LA-26,   LAW-LA-27,
LAW-LA-28,   LAW-LA-29,   LAW-LA-32,   LAW-LA-33,
LAW-LA-34,   LAW-LA-35,   LAW-LA-36,   LAW-LA-40,
LAW-LA-41,   LAW-LA-42,   LAW-LA-45,   LAW-LA-46,
LAW-LA-47,   LAW-LA-48,   LAW-LA-49,   LAW-LA-53,
LAW-LA-54,   LAW-LA-55,   LAW-LA-56,   LAW-LA-58,
LAW-LA-59,   LAW-LA-60,   LAW-LA-61,   LAW-LA-62,
LAW-LA-63,   LAW-LA-64,   LAW-LA-65,   LAW-LA-66,
LAW-LA-67

Warren Township PRECINCTS:

WAR-28-05,   WAR-28-08,   WAR-28-10,   WAR-28-12,
WAR-28-13,   WAR-28-14,   WAR-28-15,   WAR-28-16,
WAR-28-17, WAR-WR-01, WAR-WR-02, WAR-WR-03,
WAR-WR-04, WAR-WR-05, WAR-WR-06, WAR-WR-07,
WAR-WR-08, WAR-WR-09, WAR-WR-10, WAR-WR-11,
WAR-WR-12, WAR-WR-13, WAR-WR-14, WAR-WR-15,
WAR-WR-16, WAR-WR-17, WAR-WR-18, WAR-WR-19,

WAR-WR-20, WAR-WR-21, WAR-WR-22, WAR-WR-23

Chapter 3.5. Transitional Provisions

Sec. 1. As used in this chapter, "minority leader" refers to the minority leader of the city-county council.

Sec. 2. As used in this chapter, "president" refers to the president of the city-county council.

Sec. 3. (a) Before July 1, 2017, the president shall appoint two (2) members of the city-county council to serve as members of the committee. The members appointed under this subsection become committee members on July 1, 2017.

(b) Before July 1, 2017, the minority leader shall appoint two (2) members of the city-county council to serve as members of the committee. The members appointed under this subsection become committee members on July 1, 2017.

(c) The president and the minority leader shall file a written notice of the appointments made under this section with the clerk.

(d) If a vacancy occurs in a position appointed under this section before January 1, 2019, the appointing authority who originally appointed the member under this section shall fill the vacancy by appointing another member of the city-county council to fill the vacancy. A member of the city-county council appointed to fill a vacancy under this subsection serves the remainder of the term.

Sec. 4. The term of a committee member appointed under section 3 of this chapter expires January 1, 2019.

Sec. 5. This chapter expires January 1, 2019.

Chapter 4. Election of Committee Members

Sec. 1. The 2018 general election is the first election of the elected committee members.

Sec. 2. Except as provided in section 2.2 of this chapter, the term of each elected committee member is four (4) years, beginning January 1 after the elected committee member's election.

Sec. 2.2. (a) The committee members elected at the 2018 general election serve the following terms:

(1) The member first elected from committee district 1 serves a term of four (4) years, beginning January 1, 2019. The successor of the member elected under this subdivision shall be elected at the 2022 general election and serve a term of four (4) years, beginning January 1, 2023.

(2) The member first elected from committee district 2 serves a term of two (2) years, beginning January 1, 2019. The successor of the member elected under this subdivision shall be elected at the 2020 general election and serve a term of

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four (4) years, beginning January 1, 2021.
(3) The member first elected from committee district 3 serves a term of two (2) years, beginning January 1, 2019. The successor of the member elected under this subdivision shall be elected at the 2020 general election and serve a term of four (4) years, beginning January 1, 2021.
(4) The member first elected from committee district 4 serves a term of four (4) years, beginning January 1, 2019. The successor of the member elected under this subdivision shall be elected at the 2022 general election and serve a term of four (4) years, beginning January 1, 2023.
(b) This section expires July 1, 2023.

SECTION 2. IC 3-5-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. **(a)** "Local office" means a circuit office, county office, city office, town office, township office, or other civil office for which the electorate of a political subdivision votes.

(b) The term includes ~~all~~ ~~elected offices other than~~ **the following:**
(1) An elected member of the Marion County judicial selection committee established by IC 33-33-49-13.1.
(2) Any other elected office that is not a federal, state, legislative, ~~and~~ **or** school board ~~offices.~~ **office.**

SECTION 3. IC 3-8-1-25.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 25.5. (a) As used in this section, "elected member" refers to an elected member of the Marion County judicial selection committee established by IC 33-33-49-13.1.**
(b) In addition to the qualifications established by this chapter, a candidate for an elected member must meet the qualifications established for any other appointed member of the Marion County judicial selection committee under IC 33-33-49-13.1.".

Page 1, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.21-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the form described in this section for all the offices for which candidates have qualified under IC 3-8.

(b) The following shall be printed as the heading for the ballot for a political party:

"OFFICIAL PRIMARY BALLOT

_____ Party (insert the name of the political party)".

(c) The following shall be printed immediately below the heading

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required by subsection (b) or be posted in each voting booth as provided in IC 3-11-2-8(b):

(1) For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

(2) For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.

(3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.

(4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

(d) Local public questions shall be placed on the primary election ballot after the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g).

(e) The local public questions described in subsection (d) shall be placed as follows:

(1) In a separate column on the ballot if voting is by paper ballot.

(2) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-13-11 if voting is by ballot card.

(3) As provided by either of the following if voting is by an electronic voting system:

(A) On a separate screen for a public question.

(B) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-14-3.5.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,

if required by law.)

"Shall (insert public question)?"

[] YES

[] NO

(g) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

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(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Prosecuting attorney.

(E) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.

(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.

(J) County council member.

(K) Elected member of the Marion County judicial selection committee.

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

    (7) Town offices:

       (A) Clerk-treasurer.

       (B) Judge of the town court.

       (C) Town council member.

(h) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (g):

    (1) Precinct committeeman.

    (2) State convention delegate.

(i) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (h).

(j) The offices described in subsection (i) shall be placed as follows:

    (1) In a separate column on the ballot if voting is by paper ballot;

    (2) After the offices described in subsection (h) in the form specified in IC 3-11-13-11 if voting is by ballot card.

    (3) Either:

       (A) on a separate screen for each office or public question; or

       (B) after the offices described in subsection (h) in the form specified in IC 3-11-14-3.5;

    if voting is by an electronic voting system.

SECTION 6. IC 3-10-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017] **Sec. 17. (a) As used in this section, "selection committee" refers to the Marion County judicial selection committee established by IC 33-33-49-13.1.**

(b) As used in this section, "elected member" refers to a member of the selection committee elected under IC 3-3.5-4.

(c) An elected member shall be elected at the general election held immediately before the term of office for that position on the selection committee expires.".

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 9. IC 3-11-2-12, AS AMENDED BY P.L.21-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

    (1) Federal and state offices:

       (A) President and Vice President of the United States.

       (B) United States Senator.

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(C) Governor and lieutenant governor.
(D) Secretary of state.
(E) Auditor of state.
(F) Treasurer of state.
(G) Attorney general.
(H) Superintendent of public instruction.
(I) United States Representative.
(2) Legislative offices:
(A) State senator.
(B) State representative.
(3) Circuit offices and county judicial offices:
(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
(C) Judge of the probate court.
(D) Prosecuting attorney.
(E) Clerk of the circuit court.
(4) County offices:
(A) County auditor.
(B) County recorder.
(C) County treasurer.
(D) County sheriff.
(E) County coroner.
(F) County surveyor.
(G) County assessor.
(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.
(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.
(J) County council member, except as provided in section 12.4 of this chapter.
(K) Elected member of the Marion County judicial selection committee.
(5) Township offices:
(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
(B) Township trustee.
(C) Township board member, except as provided in section 12.4 of this chapter.

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(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member, except as provided in section 12.4 of this chapter.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member, except as provided in section 12.4 of this chapter.".

Page 4, line 39, after "fill" insert "**an open judicial seat or**".

Page 5, line 41, delete ":".

Page 5, line 42, delete "(1)".

Page 5, line 42, after "select" insert "**judges and**".

Page 5, line 42, delete "; and" and insert "**.**".

Page 5, run in lines 41 through 42.

Page 6, delete lines 1 through 2.

Page 6, delete lines 17 through 26, begin a new line block indented and insert:

"**(2) Four (4) members:**

(A) appointed under IC 3-3.5-3.5, before January 1, 2019; and

(B) elected under IC 3-3.5-4, beginning with the 2018 general election.".

Page 6, line 27, delete "(6)" and insert "**(3)**".

Page 6, line 30, delete "County, and at least one (1)" and insert "**County.**".

Page 6, delete lines 31 through 32.

Page 6, line 33, delete "(7)" and insert "**(4)**".

Page 6, line 37, delete "(8)" and insert "**(5)**".

Page 6, line 42, after "appointed" insert "**or elected**".

Page 7, line 12, delete "subsection (c)(7) or (c)(8)." and insert "**subsection (c)(4) or (c)(5).**".

Page 7, line 15, after "officio" insert "**or elected**".

Page 7, line 29, delete "(c)(6)" and insert "**(c)(3)**".

Page 7, delete lines 33 through 36.

Page 7, line 37, delete "(l)" and insert "**(k)**".

Page 7, line 38, delete "(m)" and insert "**(l)**".

Page 7, line 41, delete "(n)" and insert "**(m)**".

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Page 7, line 41, delete ":".
Page 7, line 42, delete "(1)".
Page 7, line 42, after "nominate" insert "**and appoint**".
Page 7, run in line 41 through page 8, line 1.
Page 8, line 1, delete "; and" and insert "**.**".
Page 8, delete lines 2 through 3.
Page 8, line 4, delete "(o)" and insert "**(n)**".
Page 8, line 5, delete "(p)" and insert "**(o)**".
Page 8, line 8, delete "(q)" and insert "**(p)**".
Page 8, line 8, delete "subsection (r)" and insert "**subsection (q)**".
Page 8, line 12, after "vacancy" insert "**or open judicial seat**".
Page 8, line 18, delete "(r)" and insert "**(q)**".
Page 8, line 21, delete "or retention on".
Page 8, line 26, delete "(s)" and insert "**(r)**".
Page 8, line 37, delete "retention or".
Page 8, line 40, delete "filed and".
Page 9, line 14, delete "(t)" and insert "**(s)**".
Page 9, line 14, delete "subsection (s)(3)" and insert "**subsection (r)(3)**".
Page 9, line 17, delete "(u)" and insert "**(t)**".
Page 9, line 17, after "nominated" insert "**or appointed**".
Page 9, line 34, delete "(not including" and insert "**;**".
Page 9, line 35, delete "the transitional period described in subsection (h));".
Page 10, line 2, delete "(not including the transitional period described in" and insert "**;**".
Page 10, line 3, delete "subsection (h));".
Page 10, line 18, delete "2021," and insert "**2019,**".
Page 10, line 19, delete "2027," and insert "**2025,**".
Page 10, line 21, delete "2023," and insert "**2021,**".
Page 10, line 22, delete "2029," and insert "**2027,**".
Page 10, line 24, delete "2025," and insert "**2023,**".
Page 10, line 25, delete "2031," and insert "**2029,**".
Page 10, line 31, delete "subsection (c)" and insert "**subsection (d)(2)**".
Page 10, line 31, after "2020;" insert "**and**".
Page 10, line 32, delete "subsection (d)" and insert "**subsection (e)**".
Page 10, line 32, delete "; and" and insert "**.**".
Page 10, delete line 33.
Page 10, line 41, after "clerk" insert "**and the secretary of state**".
Page 11, line 22, after "subsection" insert "**with both the clerk and the secretary of state**".

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Page 11, line 27, delete "a statement" and insert "**statements**".

Page 12, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 11. IC 33-33-49-13.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13.4. (a) The following definitions apply throughout this section:**

(1) "Open judicial seat" means a judicial office that cannot be filled by a sitting judge because:

(A) the sitting judge:

(i) is retiring after completing the judge's term;

(ii) has lost a retention election;

(iii) was appointed to fill a vacancy and has completed the vacant term; or

(iv) is otherwise leaving office after completing the judge's full term; or

(B) a new court has been created.

(2) "Vacancy" refers to an unfilled judicial office that is created because a judge leaves office before the judge's term has expired.

(b) When the committee learns that an open judicial seat exists or will exist in the court, the committee shall appoint a judge to fill the open judicial seat in accordance with subsection (e).

(c) When the committee learns that a vacancy exists or will exist in the court, the committee shall nominate three (3) candidates for appointment by the governor, in accordance with subsection (f).

(d) In making an appointment or nomination under this section, the committee shall consider the following factors with respect to a candidate:

(1) Law school record, including any academic honors and achievements.

(2) Contribution to scholarly journals and publications, legislative drafting, and legal briefs.

(3) Activities in public service, including:

(A) writings and speeches concerning public or civic affairs that are on public record, including but not limited to campaign speeches or writing, letters to newspapers, and testimony before public agencies;

(B) efforts and achievements in improving the administration of justice; and

(C) other conduct relating to the candidate's profession.

(4) Legal experience, including the number of years of

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practicing law, the kind of practice involved, and reputation as a trial lawyer or judge.

(5) Probable judicial temperament.

(6) Physical condition, including age, stamina, and possible substance abuse issues.

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

(8) Membership on boards of directors, financial interest, and any other consideration that might create conflict of interest with a judicial office.

(9) Any other pertinent information that the committee considers important in selecting the best qualified candidates for judicial office.

(e) This subsection applies only to an open judicial seat. As soon as practicable after the committee learns of an open judicial seat, the committee shall publicly announce that it is accepting applications from qualified individuals wishing to fill the open judicial seat. The committee shall determine the form and content of the application, establish a timetable for the appointment of the new judge, and schedule one (1) or more hearings to interview qualified applicants and select the individual who will be appointed as judge. To the extent practicable, the committee shall endeavor to interview as many qualified applicants as possible. However, if a large number of applicants have applied for an open judicial seat, the committee may limit itself to interviewing only the most qualified applicants. The committee may conduct multiple interviews. At the conclusion of the interview process, the committee shall appoint the most qualified applicant as judge. The judge serves a term as described in section 13.2 of this chapter and may serve additional continuous terms as long as the judge is retained in office by the electorate.

(f) This subsection applies only to a vacancy. As soon as practicable after the committee learns of a vacancy, the committee shall publicly announce that it is accepting applications from qualified individuals wishing to fill the vacancy. The committee shall determine the form and content of the application, establish a timetable for nominations, and schedule one (1) or more hearings to interview qualified applicants and select nominees to fill the vacancy. To the extent practicable, the committee shall endeavor to interview as many qualified applicants as possible. However, if a large number of applicants have applied to fill a vacancy, the

committee may limit itself to interviewing only the most qualified applicants. The committee may conduct multiple interviews. At the conclusion of the interview process, the committee shall nominate the three (3) most qualified candidates and forward their names to the governor, who shall appoint one (1) of the nominees as judge. The judge appointed by the governor under this subsection serves only until the term of the judge's predecessor in office expires and is not eligible to stand for retention at the end of the term. When the term expires, the seat becomes an open judicial seat and shall be filled by the committee in accordance with subsection (e).

(g) In no event may more than fifty-two percent (52%) of the judges serving on the court be members of the same political party.".

Delete pages 13 through 14.
Page 15, delete lines 1 through 18.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1036 as printed January 27, 2017.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.