

SENATE BILL No. 213

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-33-45.

Synopsis: Lake County judicial nominating commission. Changes the selection process for Lake County judicial nominating commission membership to require that the four attorney members be appointed by: (1) the James C. Kimbrough Bar Association; (2) the Lake County Hispanic Bar Association; (3) the Lake County Bar Association; and (4) the Women Lawyers Association of Indiana.

Effective: July 1, 2020.

Randolph Lonnie M

January 6, 2020, read first time and referred to Committee on Judiciary.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 213

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 33-33-45-28, AS AMENDED BY P.L.2-2007,
2 SECTION 368, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: Sec. 28. (a) The judicial nominating
4 commission (referred to in this chapter as the commission) consists of
5 nine (9) members, the majority of whom form a quorum. The chief
6 justice of the supreme court (or a justice of the supreme court or judge
7 of the court of appeals designated by the chief justice) shall be a
8 member and shall act as chairman.

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

12 (1) At least one (1) attorney member must be a minority
13 individual (as defined in IC 21-13-1-6).

14 (2) Two (2) attorney members must be women.

15 (3) Two (2) attorney members must be men.

16 (b) The following shall each appoint to the commission one (1)
17 attorney member who resides in Lake County:



1 **(1) The James C. Kimbrough Bar Association.**

2 **(2) The Lake County Hispanic Bar Association.**

3 **(3) The Lake County Bar Association.**

4 **(4) The Women Lawyers Association of Indiana.**

5 (c) The Lake County board of commissioners shall appoint four (4)
6 nonattorney citizens to the commission, subject to the following:

7 (1) Each of the three (3) county commissioners shall appoint one

8 (1) nonattorney member who is a resident of the appointing
9 commissioner's district.

10 (2) After each county commissioner has had the opportunity to
11 make the county commissioner's appointment, the fourth
12 nonattorney member must be appointed by a majority vote of the
13 Lake County board of commissioners.

14 (3) At least one (1) nonattorney member must be a minority
15 individual (as defined in IC 21-13-1-6).

16 (4) Two (2) nonattorney members must be women.

17 (5) Two (2) nonattorney members must be men.

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

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

25 (d) A member of the commission, other than a judge or justice, may
26 not hold any other elected public office. A member may not hold an
27 office in a political party or organization. A nonattorney member of the
28 commission may not hold an elected or salaried public office. A
29 nonattorney member may not be an employee of the state or of a
30 political subdivision of the state.

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

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

37 SECTION 2. IC 33-33-45-30 IS REPEALED [EFFECTIVE JULY
38 1, 2020]. Sec. 30: (a) Those admitted to the practice of law and residing
39 in Lake County (referred to in this chapter as attorney electors) shall
40 elect four (4) of their number to the commission. To be eligible for the
41 office of attorney commissioner, a person must be on the current annual
42 list of attorneys certified to the clerk of the supreme court and must be



1 a resident of Lake County. The term of office of each elected attorney
2 member is four (4) years, commencing on the first day of October
3 following the attorney member's election. The election day is the date
4 on which the ballots are counted and, for purposes of this section, is the
5 first Tuesday in September 1995, and every four (4) years thereafter.
6 Thereafter, during the month before the expiration of each attorney
7 commissioner's term of office, an election shall be held to fill the
8 succeeding four (4) year term of office.

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

13 SECTION 3. IC 33-33-45-31 IS REPEALED [EFFECTIVE JULY
14 1, 2020]. Sec. 31. The attorney members of the commission shall be
15 elected by the following process:

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

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

29 (3) The clerk of the Lake circuit court shall prepare and print
30 ballots containing the names and residential addresses of all
31 attorney nominees whose written nominations, petitions, and
32 written statements of consent have been received sixty (60) days
33 before the election.

34 (A) The ballot shall read:
35 "SUPERIOR COURT OF LAKE COUNTY
36 NOMINATING COMMISSION BALLOT
37 To be cast by individuals residing in Lake County and admitted
38 to the practice of law in Indiana. Vote for not more than four (4)
39 of the following candidates for the term commencing _____.
40 (Name) (Address)
41 (Name) (Address)
42 (etc.) (etc.)



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

5 **DESTROY BALLOT IF NOT USED¹¹:**

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

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

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

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

23 (7) Upon receiving the completed ballots and the accompanying
 24 certificate; the clerk shall ensure that the certificates have been
 25 completed in compliance with this chapter: All ballots that are
 26 accompanied by a valid certificate shall be placed in a package
 27 designated to contain ballots: All accompanying certificates shall
 28 be placed in a separate package:

29 (8) The clerk of the Lake circuit court; with the assistance of the
 30 Lake County election board; shall open and canvass all ballots
 31 after 4 p.m. on the day of election in the office of the clerk of the
 32 Lake circuit court: Ballots received after 4 p.m. may not be
 33 counted unless the chairman of the judicial nominating
 34 commission orders an extension of time because of extraordinary
 35 circumstances: Upon canvassing the ballots; the clerk shall place
 36 all ballots back in their package: These; along with the
 37 certificates; shall be retained in the clerk's office for six (6)
 38 months; and the clerk shall permit no one to inspect them except
 39 upon an order of the supreme court:

40 (9) In any election held for selection of attorney members of the
 41 commission; in case two (2) or more nominees are tied so that one
 42 (1) additional vote cast for one (1) of them would give the



1 nominee a plurality, the canvasser shall resolve the tie by lot and
2 the winner of the lot is considered to be elected.
3 SECTION 4. IC 33-33-45-32 IS REPEALED [EFFECTIVE JULY
4 1, 2020]. ~~Sec. 32. After:~~
5 (1) the attorney members of the commission have been elected;
6 and
7 (2) the names of the nonattorney commissioners appointed by the
8 governor have been certified to the secretary of state, clerk of the
9 supreme court, and clerk of the Lake circuit court as this chapter
10 provides;
11 the clerk of the Lake circuit court shall by regular mail notify the
12 members of the commission of their election or appointment and shall
13 notify the chairman of the judicial nominating commission of the same.
14 SECTION 5. IC 33-33-45-33 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 33. A member of the
16 judicial nominating commission may serve until the member's
17 successor is appointed. ~~or elected.~~ An attorney commissioner or a
18 nonattorney commissioner is not eligible for more than two (2)
19 successive ~~reelections or~~ reappointments.

