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Lawmakers punt Marion County judge-selection bill to next year

Hayleigh Colombo, IBJ Staff March 11, 2016 **KEYWORDS** COURTS, GOVERNMENT, INDIANA GENERAL ASSEMBLY, INDIANA TRIAL COURTS, JUDICIAL APPOINTMENTS, JUDICIAL ELECTIONS, MARION COUNTY, LEGISLATION

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Indiana lawmakers were unable to come to an agreement on how to select Marion County Superior Court judges by the end of the legislative session on Thursday night and punted the decision until next year.

Lawmakers were charged with coming up with a new system to select the county's judges after a federal appeals court ruled the current system unconstitutional last year, finding it burdened the public's right to cast a meaningful vote.

House Speaker Brian Bosma, R-Indianapolis, said the bill, which wasn't heard in either chamber on Thursday despite advancing earlier in the session, stalled over "minute details" that the lawmakers couldn't work out.

There is no judicial election this year, so lawmakers weren't under the gun to finalize an agreement.

"It just became too difficult to try to salvage it at the very last minute," Bosma said. "Fortunately there's another year to work on this."

Lawmakers had advanced a "merit selection" process to replace the old system, which would have used a judicial nominating commission to interview candidates. The governor would ultimately appoint one of three finalists to fill any vacancy on the court. Judges would then stand for a retention vote at the end of their term.

The U.S. 7th Circuit Court of Appeals said the old process was rarely used nationally. Under the process, judicial candidates were endorsed by the two major political parties, but people who ran against the endorsed candidates in the primary almost never won.

In the general election, the parties would each run the same number of candidates, just enough to fill the open seats. So voters who didn't vote in the primary didn't get a real choice, critics said.

But the Indiana Black Legislative Caucus, containing both House and Senate members, came out in opposition to the new proposal, saying that a judicial nominating committee would result in a less-diverse bench.

Rep. Cherrish Pryor, D-Indianapolis, said at the time they preferred a straight partisan election, like the system in place in most of the state's counties.

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Sen. Greg Taylor, who was an initial supporter of the bill, said he was glad it died so all parties can spend more time working out their differences.

“This bill needs a lot more time for people who are interested parties to come up with a resolution that’s going to past muster with the Seventh Circuit,” Taylor said. “This will give us time to look at the issue over the summer and come up with a piece of legislation that will protect the citizens and voters.”

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