602.6201 Office of district judge apportionment.

1. District judges shall be nominated and appointed and shall stand for retention in office as provided in chapter 46. District judges shall qualify for office as provided in chapter 63.

2. A district judge must be a resident of the judicial election district in which appointed and retained. Subject to the provision for reassignment of judges under section 602.6108, a district judge shall serve in the district of the judge's residence while in office, regardless of the number of judgeships to which the district is entitled under subsection 3.

3. *a.* A judicial election district containing a city of fifty thousand or more population is entitled to the number of judgeships equal to the average, rounded to the nearest whole number, of the following two quotients, each rounded to the nearest hundredth:

(1) The combined civil and criminal filings in the election district divided by five hundred fifty.

(2) The election district's population divided by forty thousand.

However, the seat of government is entitled to one additional judgeship.

b. All other judicial election districts are entitled to the number of judgeships equal to the average, rounded to the nearest whole number, of the following two quotients, each rounded to the nearest hundredth:

(1) The combined civil and criminal filings in the election district divided by four hundred fifty.

(2) The election district's population divided by forty thousand.

However, the judicial election district in which the Iowa state penitentiary at Fort Madison is located is entitled to one additional judgeship.

c. The filings included in the determinations to be made under this subsection shall not include small claims or nonindictable misdemeanors, and shall not include either civil actions for money judgment where the amount in controversy does not exceed five thousand dollars or indictable misdemeanors or felony violations of section 321J.2, which were assigned to district associate judges and magistrates as shown on their administrative reports, but shall include appeals from decisions of magistrates, district associate judges, and district judges sitting as magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the Iowa department of public health computations.

4. For purposes of this section, a vacancy means the death, resignation, retirement, or removal of a district judge, or the failure of a district judge to be retained in office at the judicial election, or an increase in judgeships under this section.

5. In those judicial election districts having more district judges than the number of judgeships specified by the formula in subsection 3, vacancies shall not be filled.

6. In those judicial election districts having fewer or the same number of district judges as the number of judgeships specified by the formula in subsection 3, vacancies in the number of district judges shall be filled as they occur.

7. In those judicial districts that contain more than one judicial election district, a vacancy in a judicial election district shall not be filled if the total number of district judges in all judicial election districts within the judicial district equals or exceeds the aggregate number of judgeships to which all of the judicial election

districts of the judicial district are authorized.

8. An incumbent district judge shall not be removed from office because of a reduction in the number of authorized judgeships.

9. During February of each year, and at other times as appropriate, the state court administrator shall make the determinations required under this section, and shall notify the appropriate nominating commissions and the governor of appointments that are required.

10. Notwithstanding the formula for determining the number of judgeships in this section, the number of district judges shall not exceed one hundred sixteen during the period commencing July 1, 1999.

11. Notwithstanding any other provision of the Code to the contrary, if a vacancy in a judgeship occurs, and the chief justice of the supreme court makes a finding that a substantial disparity exists in the allocation of judgeships and judicial workload between judicial election districts, the chief justice may apportion the judgeship from the judicial election district where the vacancy occurs to another judicial election district based upon the substantial disparity finding. However, a judgeship shall not be apportioned pursuant to this section unless a majority of the judicial council approves the apportionment.

12. Notwithstanding any other provision of the Code to the contrary, if the chief justice of the supreme court determines a substantial disparity exists in the allocation of judgeships and judicial workload between judicial election districts, the chief justice may authorize a voluntary permanent transfer of a district judge from one judicial election district to another upon approval by a majority of the judicial council. After approval by the judicial council, the chief justice shall notify all eligible district judges of the intent to seek applicants for a voluntary permanent transfer and the terms of such a transfer. A district judge is not eligible for a voluntary transfer unless the judge has served a regular term of office as specified in section 46.16. Upon approval of the judge's application, the chief justice may transfer a district judge who consents to the transfer within six months of the notification. The transfer of a district judge shall take effect within sixty days of the official announcement of the transfer by the chief justice. A district judge transferred pursuant to this subsection shall have six months from the date of the announcement of the transfer to establish residency in the judicial election district where the district judge is transferred. A district judge who has been transferred shall stand for retention in the judicial election district to which the district judge has been transferred as provided in chapter 46. For purposes of subsection 3, the judgeship shall be apportioned to the judicial election district where the judge is transferred. A voluntary transfer pursuant to this subsection shall not cause a vacancy of a judgeship in the judicial election district from which the district judge was transferred.

83 Acts, ch 186, § 7201, 10201; 86 Acts, ch 1012, § 1; 86 Acts, ch 1148, § 1, 2; 90 Acts, ch 1055, § 1, 2; 95 Acts, ch 207, § 25; 96 Acts, ch 1216, § 30; 97 Acts, ch 130, § 1; 97 Acts, ch 205, § 24; 99 Acts, ch 202, §22; 2003 Acts, ch 151, §38, 39

For future repeal of subsection 12 effective July 1, 2008, see 2003 Acts, ch 151, §63