

CHAPTER 9.

RELATING TO THE SUPERIOR COURT.

H. F. 193.

AN ACT to repeal sections two hundred fifty-six (256) and two hundred fifty-eight (258) of the code, relating to the submission to the qualified electors of a city, the question of the establishment of a superior court, the election and term of office of the judge thereof, and the certification of the results of the election and filling vacancies in said office, and to enact substitutes therefor, and to amend section two hundred and seventy-six (276) of the code.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Submission to voters—election of judge—term—commission. That section two hundred fifty-six (256) of the code is hereby repealed, and the following enacted in lieu thereof:

“Upon the petition of one hundred citizens of any such city, the mayor, by and with the consent of the council, may, at least ten days before any general election, issue a proclamation submitting to the qualified voters of said city, the question of establishing said court. Should a majority of all the votes cast at such election upon such proposition be in favor of said court, the same shall thereby be established. The judges of all superior courts now or hereafter established shall be elected at the last general election preceding the expiration of the term of office of the present incumbent. The names of candidates for judge to be upon the same ballot as used in the city for state, county and township officers and the vote to be returned and canvassed in the same manner as for county officers. Certificates of nomination of candidates for judge by conventions or primaries of political parties and nominations by petition, shall be filed with the auditor of the county in which said city is situated within the same time as provided by law for the filing of certificates of nomination and nominations by petition for offices to be filled by the electors of counties. Each judge shall qualify and hold his office for the term of four years from the first day of January next ensuing after said election, and until his successor is elected and qualified, provided, however, that the term of office of successors of the present incumbents shall begin at the expiration of the term of the present incumbent and shall expire on the thirty-first day of December of the third year following the beginning of their term. Immediately after the election of any judge, the board of supervisors of said county shall transmit a certificate of the election of said judge to the governor of the state, who shall thereupon issue to him a commission empowering him to act as judge as herein provided.”

SEC. 2. Vacancy—inability. That section two hundred fifty-eight (258) of the code is hereby repealed and the following enacted in lieu thereof:

“That in case of vacancy in said office the governor shall appoint a judge who shall hold the office until the next general election, and in case of inability of any judge to act through sickness or any other cause a judge shall be appointed by the governor to hold during such inability.”

SEC. 3. Question of abolishing court to be submitted. That section two hundred and seventy six (276) of the code be and the same is hereby amended by striking out the word “an” before the word “election” in the fourth line, and inserting in lieu thereof the words “any general election or.”

Approved April 4, 1900.