

3 1. By striking from line five (5) the words, "seventy-five cents"
4 and by inserting in lieu thereof the words, "one (1) dollar".

1 SEC. 2. Section forty-nine point twenty (49.20), Code 1962, is
2 hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "seventy-
4 five cents" and inserting in lieu thereof the words "one (1) dollar".

5 2. By inserting in line four (4) after the word "duties" the words
6 "and seven (7) cents per mile for actual and necessary travel".

1 SEC. 3. Section fifty-one point fourteen (51.14), Code 1962, is
2 hereby amended by striking from line three (3) of such section the
3 word, "now".

Approved April 18, 1963.

CHAPTER 80

JUDGES OF COURTS OF RECORD

S. F. 402

AN ACT relating to judicial nominating commissions, terms of office, judicial elections, mandatory retirement, and temporary service by retired judges.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Appointment of state judicial nominating commission-
2 ers. Within fifteen (15) days after the effective date of this Act, the
3 governor shall appoint, subject to confirmation by the senate in execu-
4 tive session, one elector of each congressional district to the state
5 judicial nominating commission for a term commencing July 1, 1963.
6 He shall appoint three such commissioners to serve until June 30, 1965,
7 two to serve until June 30, 1967, and two to serve until June 30, 1969.
8 Within thirty (30) days after the convening of the general assembly
9 immediately preceding expiration of each of those terms and every six
10 years thereafter, the governor shall so appoint state judicial nominat-
11 ing commissioners for six-year terms commencing July 1, following.

1 SEC. 2. Election of state judicial nominating commissioners. In
2 June, 1963, the resident members of the bar of each congressional
3 district shall elect one elector of such district to the state judicial
4 nominating commission for a term commencing July 1, 1963. Such
5 elective commissioners shall serve until June 30, 1969, from the three
6 congressional districts where the first appointive commissioners serve
7 until June 30, 1965; until June 30, 1967, from the two congressional
8 districts where the first appointive commissioners serve until June 30,
9 1969; and until June 30, 1965, from the two congressional districts
10 where the first appointive commissioners serve until June 30, 1967.
11 In January immediately preceding expiration of each of those elective
12 terms and every six years thereafter, such members of the bar of the
13 respective congressional districts shall so elect state judicial nominat-
14 ing commissioners for six-year terms commencing July 1 following.

1 **SEC. 3.** Appointment of district judicial nominating commissioners.
2 In June, 1963, the governor shall appoint five electors of each judicial
3 district to the district judicial nominating commission for terms com-
4 mencing July 1, 1963. He shall appoint two such commissioners to
5 serve until June 30, 1965, two to serve until June 30, 1967, and one to
6 serve until June 30, 1969. Upon the expiration of each of those terms
7 and every six years thereafter, the governor shall so appoint district
8 judicial nominating commissioners for six-year terms.

1 **SEC. 4.** Election of district judicial nominating commissioners. In
2 June, 1963, the resident members of the bar of each judicial district
3 shall elect five electors of the district to the district judicial nominat-
4 ing commission for terms commencing July 1, 1963. One of such com-
5 missioners shall serve until June 30, 1965, two until June 30, 1967, and
6 two until June 30, 1969, as determined by lot by such commissioners.
7 In January next before expiration of each of those terms and every six
8 years thereafter, such members of the bar of the respective judicial
9 districts shall so elect district judicial nominating commissioners for
10 six-year terms commencing July 1 following.

1 **SEC. 5.** Vacancies. Vacancies in the office of judicial nominating
2 commissioner occurring during a term shall be filled by appointment
3 or election as the case may be for the unexpired portion of the term,
4 provided that no vacancy shall be filled where the term has less than
5 ninety (90) days to run. The appointment or election shall be made
6 or held within sixty (60) days after occurrence of the vacancy.
7 The term of state judicial nominating commissioners so appointed
8 shall commence upon appointment pending confirmation by the senate
9 at the then session of the general assembly or at its next session if it
10 is not then in session. The term of district judicial nominating com-
11 missioners so appointed shall commence upon appointment. The term
12 of judicial nominating commissioners so elected shall commence ten
13 (10) days after election.
14 If there shall be a vacancy in the office of chairman of a commission,
15 or in his absence, the members of the commission shall select a tem-
16 porary chairman from their own number.

1 **SEC. 6.** Equal seniority. If the judges of longest service (other
2 than the chief justice) of the supreme court or of the district court
3 in a district are of equal service, the eldest of such judges shall be
4 chairman of the particular judicial nominating commission.

1 **SEC. 7.** Eligibility to vote. To be eligible to vote in elections of
2 judicial nominating commissioners, a member of the bar must have
3 registered in writing with the clerk of the district court of the county
4 of his residence at the last bar registration preceding such election.
5 A judge who has been admitted to the bar of the state of Iowa shall
6 be considered a member of the bar.

1 **SEC. 8.** Bar registration. A book known as the bar register shall
2 be maintained in each county in the office of the clerk of the district
3 court. Where there are two county seats in a county, the bar register

4 shall be maintained at the more populous county seat. In the first
 5 week of May, 1963, and every two years thereafter, the clerk of the
 6 supreme court shall by mail direct each clerk of the district court
 7 maintaining a bar register to publish and post the notice hereafter
 8 prescribed, but failure of such a clerk of the district court to give the
 9 notice shall not invalidate an election of judicial nominating commis-
 10 sioners thereafter held. In May, 1963, and every two years thereafter,
 11 each such clerk of the district court shall post in his office and publish
 12 once in an official newspaper in his county a notice substantially as
 13 follows:

NOTICE TO THE BAR

..... County, Iowa

16 Each member of the bar of the State of Iowa residing in this county
 17 is notified to register in writing his name, address, and year of admis-
 18 sion to the Iowa bar, in the office of the undersigned in May, 19.....,
 19 (specifying 1963 the first year) to be eligible to vote in elections of
 20 judicial nominating commissioners.

(Name of Clerk)

Clerk of District Court

23 On June 1, 1963, and every two years thereafter, each such clerk of the
 24 district court shall certify to the clerk of the supreme court the names,
 25 addresses, and years of admission of the members of the bar who
 26 registered during the preceding month. The clerk of the supreme
 27 court shall promptly ascertain from his record of admissions whether
 28 the individuals so certified are members of the bar of the state of Iowa
 29 and shall delete from the certified list any who are not.

1 SEC. 9. Conduct of elections. When an election of judicial nominat-
 2 ing commissioners is to be held, the clerk of the supreme court shall
 3 cause ballots to be mailed in accordance with the current certified list
 4 of resident members of the bar to such members of the proper dis-
 5 tricts, substantially as follows:

Iowa State (or Iowa Judicial District)

Judicial Nominating Commission

BALLOT

9 To be cast by the resident members of the bar of the Con-
 10 gressional (or Judicial) District of Iowa.

11 Vote for (state number) for Iowa State (or Iowa Judicial
 12 District) judicial nominating commissioner(s) for term commencing

- 13
- 14 JOHN DOE
 - 15 RICHARD ROE
 - 16
 - 17

18 To be counted, this ballot must be completed and mailed or delivered
 19 to Clerk of the Supreme Court of Iowa, Des Moines, Iowa, not later
 20 than January 31, 19..... (specifying June 30, 1963, the first year, or
 21 the appropriate date under section five (5) in case of an election to
 22 fill a vacancy).

DESTROY BALLOT IF NOT USED

24 The elector receiving the most votes shall be elected. When more
 25 than one commissioner is to be elected, the electors receiving the most
 26 votes shall be elected, in the same number as the offices to be filled.

27 The ballot must be completed and mailed or delivered to the clerk
28 of the supreme court prior to expiration of the period within which
29 the election must be held.

30 The ballots shall be counted under the direction of the clerk of the
31 supreme court.

1 SEC. 10. Nomination of elective nominating commissioners. In
2 order to have his name printed on the ballot for state or district
3 judicial nominating commissioner, an elector must file in the office of
4 the clerk of the supreme court at least thirty (30) days prior to ex-
5 piration of the period within which the election must be held a nomi-
6 nating petition signed by at least fifty (50) resident members of the
7 bar of the congressional district in case of a candidate for state judicial
8 nominating commissioner, or at least ten (10) resident members of the
9 bar of the judicial district in case of a candidate for district judicial
10 nominating commissioner. No member of the bar may sign more
11 nominating petitions for state or district judicial nominating commis-
12 sioner than there are such commissioners to be elected.

13 Ballots for state and district judicial nominating commissioners
14 shall contain blank lines equal to the number of such commissioners
15 to be elected, where names may be written in.

1 SEC. 11. Certification of commissioners. The governor and the
2 clerk of the supreme court respectively shall promptly certify the
3 names and addresses of appointive and elective judicial nominating
4 commissioners to the secretary of state and the chairmen of the re-
5 spective nominating commissions.

1 SEC. 12. Notification of vacancy. When a vacancy occurs or will
2 occur within sixty (60) days in the supreme court or district court,
3 the secretary of state shall forthwith so notify the chairman of the
4 proper judicial nominating commission. The chairman shall call a
5 meeting of the commission within ten days after such notice; if he
6 fails to do so, the chief justice shall call such meeting.

1 SEC. 13. Notice of meetings. The chairman of each judicial nomi-
2 nating commission shall give the members of the commission at least
3 five days' written notice by mail of the time and place of every meet-
4 ing, except as to members who execute written waivers of notice at or
5 before the meeting or unless the commission at its next previous meet-
6 ing designated the time and place of the meeting.

1 SEC. 14. Nomination. Each judicial nominating commission shall
2 carefully consider the individuals available for judge, and within sixty
3 (60) days after receiving notice of a vacancy shall certify to the gov-
4 ernor and the chief justice the proper number of nominees, in alpha-
5 betical order. Such nominees shall be chosen by the affirmative vote
6 of a majority of the full statutory number of commissioners upon the
7 basis of their qualifications and without regard to political affiliation.
8 Nominees shall be members of the bar of Iowa, shall be residents of
9 the state or district of the court to which they are nominated, and

10 shall be of such age that they will be able to serve an initial and one
11 regular term of office to which they are nominated before reaching the
12 age of seventy-two (72) years. No person shall be eligible for nomi-
13 nation by a commission as judge during the term for which he was
14 elected or appointed to that commission. Absence of a commissioner
15 or vacancy upon the commission shall not invalidate a nomination.

1 SEC. 15. Effective date as to appointments. After June 30, 1963,
2 all appointments to the supreme court and district court shall be made
3 from the nominees of the respective judicial nominating commissions.

1 SEC. 16. Terms of judges. Subject to the provisions of section
2 twenty-six (26) hereof and to removal for cause:

3 1. The initial term of office of judges of the supreme court elected
4 in 1960 shall be until January 1, 1967;

5 2. The initial term of office of all judges of the supreme court and
6 district court elected or appointed prior to the official canvass of the
7 votes on the ratification of the judicial amendment to the Constitution
8 of the State of Iowa of 1962, shall be until July 1, 1965;

9 3. The initial term of office of all other judges of the supreme court
10 and district court in office on June 30, 1963, shall be until January 1,
11 1965;

12 4. The initial term of office of judges of the supreme court and dis-
13 trict court appointed after June 30, 1963, shall be for one year after
14 appointment and until January 1 following the next judicial election
15 after expiration of such year; and

16 5. The regular term of office of judges of the supreme court retained
17 at a judicial election shall be eight years, and of judges of the district
18 court so retained shall be six years, from the expiration of their initial
19 or previous regular term as the case may be.

1 SEC. 17. Time of judicial election. Judicial elections shall be held
2 at the time of the general election.

1 SEC. 18. Eligibility of voters. Electors entitled to vote at the gen-
2 eral election shall be entitled to vote at the judicial election. All voting
3 procedures provided by chapter fifty-three (53), Code 1962, for absent
4 voting by armed forces in general elections shall be applicable to
5 judicial elections.

1 SEC. 19. Poll books. The poll books used for the general election
2 shall also constitute the poll books for the judicial election.

1 SEC. 20. Declaration of candidacy. At least ninety (90) days prior
2 to the judicial election preceding expiration of his initial or regular
3 term of office, a judge of the supreme court or district court may file
4 a declaration of candidacy with the secretary of state, whereupon such
5 judge shall stand for retention or rejection at that election. If a judge
6 fails to file such declaration, his office shall be vacant at the end of his
7 term.

1 SEC. 21. Conduct of election. At least fifty-five (55) days prior to
 2 each judicial election, the secretary of state shall certify to the county
 3 auditor of each county a list of the judges of the supreme court and
 4 district court to be voted on in such county at that election. The
 5 auditor shall place the names upon the ballot in the order in which
 6 they appear in the certificate, unless only one county is voting thereon.
 7 The secretary of state shall rotate the names in the certificate by
 8 county, or the auditor shall rotate them upon the ballot by precinct if
 9 only one county is voting thereon. The names of all judges to be voted
 10 on shall be placed upon one ballot, which shall be in substantially the
 11 following form:

12 STATE OF IOWA
 13 JUDICIAL BALLOT

14 (Date)

15 VOTE ON ALL NAMES BY PLACING AN X IN THE APPRO-
 16 PRIATE BOX AFTER EACH NAME.

17 SUPREME COURT

18 Shall the following judges of the Supreme Court be retained in
 19 office?

20 JOHN DOE YES NO
 21 RICHARD ROE YES NO

22 DISTRICT COURT

23 Shall the following judge of the District Court be retained in
 24 office?

25 JOHN SMITH YES NO

1 SEC. 22. Voting. Voting at judicial elections shall be by separate
 2 paper ballot or by voting machine in the space provided for public
 3 measures. If paper ballots are used the election judges shall offer a
 4 ballot to each voter. Separate ballot boxes for the general election
 5 ballots and the judicial election ballots shall not be required. The gen-
 6 eral election ballot and the judicial election ballot may be voted in the
 7 same voting booth.

1 SEC. 23. General election and absent voter laws. So far as appli-
 2 cable general election and absent voter laws shall apply to judicial
 3 elections. An application for an absent voter ballot for a general elec-
 4 tion shall also constitute an application for an absent voter ballot for
 5 a judicial election to be held at the same time, and the ballots shall be
 6 mailed or delivered to the voter together. The sealed envelope trans-
 7 mitted by the absent voter to the auditor containing the absent voter
 8 general election ballot may also contain the judicial election ballot.

1 SEC. 24. Results of election. A judge of the supreme court or dis-
 2 trict court must receive more affirmative than negative votes to be
 3 retained in office. When the poll is closed, the election judges shall
 4 publicly canvass the vote forthwith. The board of supervisors shall
 5 canvass the returns at its meeting on Monday after the election, and
 6 shall promptly certify the number of affirmative and negative votes
 7 on each judge to the secretary of state.

8 The state board of canvassers shall, at the time of canvassing the
 9 vote cast at a general election, open and canvass all of the returns for
 10 the judicial election. Each judge of the supreme court or district court

11 who has received more affirmative than negative votes shall receive
12 from the state board of canvassers an appropriate certificate so stating.

1 SEC. 25. Section six hundred five A point three (605A.3), Code
2 1962, is amended by adding at the end thereof the following:
3 “; except that any judge who was a member of the supreme or dis-
4 trict courts on July 1, 1962, may, in any event, give such notice on or
5 before July 1, 1964.”

1 SEC. 26. Chapter six hundred five (605), Code 1962, is amended by
2 adding the following new sections:

3 A. “Mandatory retirement. All judges of the supreme court or dis-
4 trict court who shall have reached the mandatory retirement age, shall
5 cease to hold office. The mandatory retirement age shall be seventy-
6 five (75) years for all judges of the supreme court or district court
7 holding office on the effective date of this Act. The mandatory retire-
8 ment age shall be seventy-two (72) years for all judges of the supreme
9 court or district court appointed to office after the effective date of this
10 Act. This section shall not be effective until July 1, 1965.”

11 B. “Temporary service by retired judges. Judges of the supreme
12 court and district court who are hereafter retired by reason of age,
13 or who are drawing benefits under section six hundred five A point six
14 (605A.6) of the Code, may with their consent be assigned by the
15 supreme court to temporary judicial duties on any court in the state
16 other than the supreme court. No such judge shall engage in the prac-
17 tice of law unless he shall file with the clerk of the supreme court an
18 election to practice law, in which event he shall thereafter be ineligible
19 for assignment to temporary judicial duties at any time. While serv-
20 ing under temporary assignment as herein provided, a retired judge
21 shall receive the compensation and actual expense provided by law for
22 judges on the court to which he is assigned, but shall not receive any
23 annuity payments to which he may be entitled under the judicial re-
24 tirement system. He may be authorized in the order of assignment
25 to appoint a temporary reporter, who shall receive the compensation
26 and actual expense provided by law for a regular reporter in the court
27 to which the judge is assigned. The order of assignment shall be filed
28 in the offices of the clerks of court at the places where the judge is to
29 serve.”

1 SEC. 27. Office of supreme court judges. All judges of the supreme
2 court shall, after January 1, 1968, be required to be in attendance and
3 maintain offices at the seat of government. The executive council shall
4 provide suitable offices at the seat of government for such judges.

1 SEC. 28. Severability clause. If any provision of this Act or the
2 application thereof to any person or circumstances is held invalid, the
3 invalidity shall not affect other provisions or applications of the Act
4 which can be given effect without the invalid provision or application,
5 and to this end the provisions of this Act are severable.

1 SEC. 29. Publication clause. This Act being deemed of immediate
2 importance shall be in full force and effect from and after its publica-

3 cation in the Iowa City Press-Citizen, a newspaper published at Iowa
4 City, Iowa, and in The North English Record, a newspaper published
5 at North English, Iowa.

Approved April 23, 1963.

I hereby certify that the foregoing Act, Senate File 402, was published in the Iowa City Press-Citizen, Iowa City, Iowa, April 30, 1963, and in The North English Record, North English, Iowa, May 2, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 81

MARKING OF BALLOTS

H. F. 114

AN ACT relating to the marking of ballots.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section forty-nine point forty-four (49.44), Code 1962,
2 is hereby amended by inserting in line ten (10) after the word "cross"
3 the words "or check".

1 SEC. 2. Section forty-nine point forty-six (49.46), Code 1962, is
2 hereby amended by striking all after "X" in line three (3) and sub-
3 stituting in lieu thereof the following:
4 "or a check mark, thus, "✓", placed in the proper square."

1 SEC. 3. Section forty-nine point forty-seven, (49.47), Code 1962,
2 is hereby amended by inserting in line six (6) after the word "mark"
3 the words "or check (✓)".

1 SEC. 4. Section forty-nine point ninety-two (49.92), Code 1962, is
2 hereby amended by inserting in line two (2) after the word "cross"
3 the words "or check".

1 SEC. 5. Section forty-nine point ninety-four (49.94), Code 1962, is
2 hereby amended as follows:
3 1. By inserting in line one (1) of subsection one (1) after the word
4 "cross" the words "or check".
5 2. By inserting in line two (2) of subsection one (1) after the word
6 "cross" the words "or check".
7 3. By inserting in line one (1) of subsection two (2) after the word
8 "cross" the words "or check".
9 4. By inserting in line three (3) of subsection two (2) after the
10 word "cross" the words "or check".
11 5. By inserting in line one (1) of subsection three (3) after the word
12 "cross" the words "or check".
13 6. By inserting in line two (2) of subsection three (3) after the
14 word "cross" the words "or check".