House File 473 - Introduced

A BILL FOR

1 An Act relating to the appointment or election of district
2   judicial nominating commissioners and the appointment of
3   district judges.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1582YH 82
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1 1   Section 1. Section 46.3, Code 2007, is amended to read as
1 2 follows:
1 3   46.3 APPOINTMENT OF DISTRICT JUDICIAL NOMINATING
1 4 COMMISSIONERS.
1 5   1. The governor shall appoint five eligible electors of
1 6 each judicial election district to the district judicial
1 7 nominating commission.
1 8   2. Appointments The appointments made by the governor
1 9 shall be to staggered terms of six years each and shall be
1 10 made in the month of January for terms commencing February 1
1 11 of even=numbered years.
1 12   3. No more than a A simple majority of the commissioners
1 13 appointed by the governor shall be of the same gender.
1 14   4. Beginning with terms commencing February 1, 2008, there
1 15 shall not be more than one appointed commissioner from a
1 16 county within a judicial election district unless each county
1 17 within the judicial election district has an appointed
1 18 commissioner and the number of appointed commissioners exceeds
1 19 the number of counties within the judicial election district.
1 20 This subsection shall not be used to remove an appointed
1 21 commissioner from office prior to the expiration of the
1 22 commissioner's term.
1 23   Sec. 2. Section 46.4, Code 2007, is amended to read as
1 24 follows:
1 25   46.4 ELECTION OF DISTRICT JUDICIAL NOMINATING
1 26 COMMISSIONERS.
1 27   1. The resident members of the bar of each judicial
1 28 election district shall elect five eligible electors of the
1 29 district to the district judicial nominating commission.
1 30 Commissioners shall be elected to staggered terms of six years
1 31 each. The elections shall be held in the month of January for
1 32 terms commencing February 1 of even=numbered years.
1 33   2. For terms commencing February 1, 1988, and every six
1 34 years thereafter, one elected commissioner in each district
1 35 shall be a woman and one shall be a man. For terms commencing
2 1 February 1, 1990, and every six years thereafter, one elected
2 2 commissioner in each district shall be a woman and one shall
2 3 be a man. For the term commencing February 1, 1992, in the
2 4 odd=numbered districts the elected commissioner shall be a
2 5 woman and in the even=numbered districts the elected
2 6 commissioner shall be a man. For the terms commencing every
2 7 six years thereafter, the districts shall alternate between
2 8 women and men elected commissioners.
2 9   3. Beginning with the terms commencing February 1, 2008,
2 10 there shall not be more than one commissioner from a county
2 11 within a judicial election district unless each county within
2 12 the judicial election district has an elected commissioner and
2 13 the number of elected commissioners exceeds the number of
2 14 counties within the judicial election district. This
2 15 subsection shall not be used to remove an elected commissioner
2 16 from office prior to the expiration of the commissioner's
2 17 term.
2 18   Sec. 3. Section 46.14, Code 2007, is amended to read as
2 19 follows:

2 20   46.14 NOMINATION.
2 21   1. Each judicial nominating commission shall carefully
2 22 consider the individuals available for judge, and within sixty
2 23 days after receiving notice of a vacancy shall certify to the
2 24 governor and the chief justice the proper number of nominees,
2 25 in alphabetical order. Such nominees shall be chosen by the
2 26 affirmative vote of a majority of the full statutory number of
2 27 commissioners upon the basis of their qualifications and
2 28 without regard to political affiliation. Nominees shall be
2 29 members of the bar of Iowa, shall be residents of the state or
2 30 district of the court to which they are nominated, and shall
2 31 be of such age that they will be able to serve an initial and
2 32 one regular term of office to which they are nominated before
2 33 reaching the age of seventy=two years. ~~Nominees for district~~
 2 34 ~~judge shall file a certified application form, to be provided~~
 2 35 ~~by the supreme court, with the chairperson of the district~~
 3 1 ~~judicial nominating commission.~~ Absence of a commissioner or
3 2 vacancy upon the commission shall not invalidate a nomination.
3 3 The chairperson of the commission shall promptly certify the
3 4 names of the nominees, in alphabetical order, to the governor
3 5 and the chief justice.
 3 6   2. Nominees for district judge shall file a certified
 3 7 application form, to be provided by the supreme court, with
 3 8 the chairperson of the district judicial nominating
 3 9 commission. If a county within a judicial election district
 3 10 does not have a district judge residing in the county when a
 3 11 vacancy for the office of district judge occurs, the nominees
 3 12 for the vacancy shall be from those counties within the
 3 13 judicial election district that do not have a district judge
 3 14 residing in the county. For purposes of this subsection, a
 3 15 nominee is considered residing in the county if the nominee
 3 16 has resided in the county for at least ten years.
3 17   ~~2.~~ 3. A commissioner shall not be eligible for nomination
3 18 by the commission during the term for which the commissioner
3 19 was elected or appointed to that commission. A commissioner
3 20 shall not be eligible to vote for the nomination of a family
3 21 member, current law partner, or current business partner. For
3 22 purposes of this subsection, "family member" means a spouse,
3 23 son, daughter, brother, sister, uncle, aunt, first cousin,
3 24 nephew, niece, father=in=law, mother=in=law, son=in=law,
3 25 daughter=in=law, brother=in=law, sister=in=law, father,
3 26 mother, stepfather, stepmother, stepson, stepdaughter,
3 27 stepbrother, stepsister, half brother, or half sister.
3 28   EXPLANATION
3 29   This bill relates to the appointment or election of
3 30 district judicial nominating commissioners and the appointment
3 31 of district judges.
3 32   The bill requires that each appointed commissioner of a
3 33 district judicial nominating commission be from a different
3 34 county within the judicial election district unless each
3 35 county within the judicial election district has an appointed
4 1 commissioner and the number of appointed commissioners exceeds
4 2 the number of counties within the judicial election district.
4 3   The bill also requires that each elected commissioner of a
4 4 district judicial nominating commission be from a different
4 5 county within the judicial election district unless each
4 6 county within the judicial election district has an appointed
4 7 commissioner and the number of appointed commissioners exceeds
4 8 the number of counties within the judicial election district.
4 9   A district judicial nominating commission makes nominations
4 10 to the governor to fill district judge vacancies. Under the
4 11 bill and in current law, the governor appoints five
4 12 commissioners to the district judicial nominating commission
4 13 and the attorneys of the judicial election district elect five
4 14 commissioners to the district judicial nominating commission.
4 15 Under the bill and in current law, the district judge who has
4 16 served the longest in the judicial election district serves as
4 17 a chairperson of the district judicial nominating commission.
4 18   Under the bill, if a county within a judicial election
4 19 district does not have a district judge residing in the county
4 20 when a vacancy for the office of district judge occurs, the
4 21 nominees for the vacancy shall be from those counties within
4 22 the judicial election district that do not have a district
4 23 judge residing in the county. In addition, the bill requires
4 24 a person to reside in a county for at least ten years prior to
4 25 the person being eligible to be a nominee for district judge
4 26 from that county.
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