

STATE GOVERNMENT: Bruner, Chair, Gentleman and Gronstal

FILED FEB 10 1987

SENATE FILE 148
BY LLOYD-JONES

Passed Senate, Date 3-10-87 (p 609) Passed House, Date 4/13/87 (P/281)
Vote: Ayes 42 Nays 5 Vote: Ayes 94 Nays 3
Approved June 7, 1987

A BILL FOR

1 An Act relating to gender balance in the appointment and election
2 of judicial nominating commissioners.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 148

1 Section 1. Section 46.1, Code 1987, is amended to read as
2 follows:

3 46.1 APPOINTMENT OF STATE JUDICIAL NOMINATING
4 COMMISSIONERS.

5 The governor shall appoint, subject to confirmation by the
6 senate, one eligible elector of each congressional district to
7 the state judicial nominating commission for a six-year term
8 beginning and ending as provided in section 69.19. The terms
9 of no more than three nor less than two of the members shall
10 expire within the same two-year period. Not more than a
11 majority of the members appointed shall be of the same gender.

12 Sec. 2. Section 46.2, Code 1987, is amended to read as
13 follows:

14 46.2 ELECTION OF STATE JUDICIAL NOMINATING COMMISSIONERS.

15 The resident members of the bar of each congressional
16 district shall elect one eligible elector of such the district
17 to the state judicial nominating commission for a six-year
18 term beginning July 1. The terms of no more than three nor
19 less than two of such the members shall expire within the same
20 two-year period, the expiration dates being governed by the
21 expiration dates of the terms of the original appointive
22 members. The members of the bar of the respective
23 congressional districts shall in January, immediately
24 preceding the expiration of the term of a member of the
25 commission, elect a successor for a like term. For the first
26 elective term open on or after July 1, 1987, in the odd-
27 numbered districts the elected member shall be female and in
28 the even-numbered districts the elected member shall be male.
29 Thereafter, the districts shall alternate between female and
30 male elected members.

31 Sec. 3. Section 46.3, Code 1987, is amended to read as
32 follows:

33 46.3 APPOINTMENT OF DISTRICT JUDICIAL NOMINATING
34 COMMISSIONERS.

35 In January 1972 the governor shall appoint five eligible

1 electors of each judicial election district to the district
2 judicial nominating commission for terms commencing February
3 1, 1972. The governor shall appoint two such commissioners to
4 serve until January 31, 1974, two to serve until January 31,
5 1976, and one to serve until January 31, 1978. In the month
6 of January when each of those terms expires and every six
7 years thereafter the governor shall appoint district judicial
8 nominating commissioners for six-year terms. No more than a
9 majority of the commissioners appointed shall be of the same
10 gender.

11 Sec. 4. Section 46.4, Code 1987, is amended to read as
12 follows:

13 46.4 ELECTION OF DISTRICT JUDICIAL NOMINATING
14 COMMISSIONERS.

15 In January 1972 the resident members of the bar of each
16 judicial election district shall elect five eligible electors
17 of the district to the district judicial nominating commission
18 for terms commencing February 1, 1972. One of such
19 commissioners shall serve until January 31, 1974, two until
20 January 31, 1976, and two until January 31, 1978, as
21 determined by lot by such commissioners. In the month of
22 January when each of those terms expires and every six years
23 thereafter such members of the bar of the respective judicial
24 election districts shall elect district nominating
25 commissioners for six-year terms.

26 For terms commencing February 1, 1988, and every six years
27 thereafter, one elected commissioner in each district shall be
28 female and one shall be male. For terms commencing February
29 1, 1990, and every six years thereafter, one elected
30 commissioner in each district shall be female and one shall be
31 male. For the term commencing February 1, 1992, in the odd-
32 numbered districts the elected commissioner shall be female
33 and in the even-numbered districts the elected commissioner
34 shall be male. For the terms commencing every six years
35 thereafter, the districts shall alternate between female and

1 male elected commissioners.

2 Sec. 5. Section 46.5, Code 1987, is amended to read as
3 follows:

4 46.5 VACANCIES.

5 When a vacancy occurs in the office of appointive judicial
6 nominating commissioner, the chairperson of the particular
7 commission shall promptly notify the governor in writing of
8 such fact. Vacancies in the office of appointive judicial
9 nominating commissioner shall be filled by appointment by the
10 governor, consistent with eligibility requirements. The term
11 of state judicial nominating commissioners so appointed shall
12 commence upon their appointment pending confirmation by the
13 senate at the then session of the general assembly or at its
14 next session if it is not then in session. The term of
15 district judicial nominating commissioners so appointed shall
16 commence upon their appointment.

17 Except where the term has less than ninety days remaining,
18 vacancies in the office of elective member of the state
19 judicial nominating commission shall be filled consistent with
20 eligibility requirements by a special election within the
21 congressional district where the vacancy occurs, such election
22 to be conducted as provided in sections 46.9 and 46.10.

23 Vacancies in the office of elective judicial nominating
24 commissioner of district judicial nominating commissions shall
25 be filled consistent with eligibility requirements and by
26 majority vote of the authorized number of elective members of
27 the particular commission, at a meeting of such members called
28 in the manner provided in section 46.13. The term of judicial
29 nominating commissioners so chosen shall commence upon their
30 selection.

31 If a vacancy occurs in the office of chairperson of a
32 judicial nominating commission, or in the absence of the
33 chairperson, the members of the particular commission shall
34 elect a temporary chairperson from their own number.

35 When a vacancy in an office of an elective judicial

1 nominating commissioner occurs, the clerk of the supreme court
2 shall arrange for the publication of a notice stating the
3 existence of the vacancy, the requirements for eligibility,
4 and the manner in which the vacancy will be filled in those
5 publications which the clerk of the supreme court deems likely
6 to give reasonable notice to the eligible voting members of
7 the bar of the district in which the vacancy occurs. The
8 election of a district judicial nominating commissioner or the
9 close of nominations for a state judicial nominating
10 commissioner shall not occur until thirty days after the
11 publication of the notice.

12 EXPLANATION

13 This bill provides for gender balance in the appointment
14 and election of judicial nominating commissioners.

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SENATE FILE 148

H-3574

1 Amend Senate File 148, as amended and passed by the
2 Senate, as follows:

3 1. Page 1, line 10, by striking the word "Not"
4 and inserting the word "No".

5 2. Page 1, line 28, by striking the word "female"
6 and inserting the following: "a woman".

7 3. Page 1, line 29, by striking the word "male"
8 and inserting the following: "a man".

9 4. Page 1, line 30, by striking the word "female"
10 and inserting the word "women".

11 5. Page 1, line 31, by striking the word "male"
12 and inserting the word "men".

13 6. Page 2, by striking lines 1 through 9 and
14 inserting the following:

15 "in-January-1972-the The governor shall appoint
16 five eligible electors of each judicial election
17 district to the district judicial nominating
18 commission. Appointments shall be to staggered terms
19 of six years each and shall be made in the month of
20 January for terms commencing February 1, 1972 of even-
21 numbered years. The governor shall appoint two such
22 commissioners to serve until January 31, 1974, two to
23 serve until January 31, 1976, and one to serve until
24 January 31, 1978. In the month of January when each
25 of those terms expires and every six years thereafter
26 the governor shall appoint district judicial
27 nominating commissioners for six-year terms. No more
28 than a".

29 7. Page 2, by striking lines 16 through 26 and
30 inserting the following:

31 "in-January-1972-the The resident members of the
32 bar of each judicial election district shall elect
33 five eligible electors of the district to the district
34 judicial nominating commission for terms commencing
35 February 1, 1972. One of such commissioners shall
36 serve until January 31, 1974, two until January 31,
37 1976, and two until January 31, 1978, as determined by
38 lot by such commissioners. In the month of January
39 when each of those terms expires and every six years
40 thereafter such members of the bar of the respective
41 judicial election districts shall elect district
42 nominating commissioners for six-year terms.
43 Commissioners shall be elected to staggered terms of
44 six years each. The elections shall be held in the
45 month of January for terms commencing February 1 of
46 even-numbered years."

47 8. Page 2, line 29, by striking the words "female
48 and one shall be male" and inserting the following:
49 "a woman and one shall be a man".

50 9. Page 2, line 31, by striking the word "female"

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Page Two

1 and inserting the following: "a woman".

2 10. Page 2, line 32, by striking the word "male"
3 and inserting the following: "a man".

4 11. Page 2, line 33, by striking the word
5 "female" and inserting the following: "a woman".

6 12. Page 2, line 35, by striking the word "male"
7 and inserting the following: "a man".

8 13. Page 3, lines 1 and 2, by striking the words
9 "female and male" and inserting the following: "women
10 and men".

11 14. Page 4, by striking lines 3 through 12 and
12 inserting the following: "shall arrange-for-the
13 publication-of cause to be mailed to each member of
14 the bar whose name appears on the certified list
15 prepared pursuant to section 46.8 for the district or
16 districts affected, a notice stating the existence of
17 the vacancy, the requirements for eligibility, and the
18 manner in which the vacancy will be filled in those
19 publications which the clerk of the supreme court
20 deems likely to give reasonable notice to the eligible
21 voting members of the bar of the district in which the
22 vacancy occurs. Other items may be included in the
23 same mailing if they are on sheets separate from the
24 notice. The election of a district judicial
25 nominating commissioner or the close of nominations
26 for a state judicial nominating commissioner shall not
27 occur until thirty days after the publication mailing
28 of the notice."

29 15. Page 4, by inserting after line 12, the
30 following:

31 "Sec. ____ . NEW SECTION. 46.9A NOTICE PRECEDING
32 NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.

33 At least sixty days prior to the expiration of the
34 term of an elective state or district judicial
35 nominating commissioner, the clerk of the supreme
36 court shall cause to be mailed to each member of the
37 bar whose name appears on the certified list prepared
38 pursuant to section 46.8 for the district or districts
39 affected, a notice stating the date the term of office
40 will expire, the requirements for eligibility to the
41 office for the succeeding term, and the procedure for
42 filing nominating petitions, including the last date
43 for filing. Other items may be included in the same
44 mailing if they are on sheets separate from the
45 notice.

46 Sec. ____ . Section 69.16, unnumbered paragraph 1,
47 Code 1987, is amended to read as follows:

48 ~~It is declared the policy of the state of Iowa that~~
49 ~~all~~ All appointive boards, commissions, and councils
50 of the state established by the Code if not otherwise

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Page Three

1 provided by law shall be bipartisan in their
2 composition. No person shall be appointed or
3 reappointed to any board, commission, or council
4 established by the Code if the effect of that
5 appointment or reappointment would cause the number of
6 members of the board, commission, or council belonging
7 to one political party to be greater than one-half the
8 membership of the board, commission, or council plus
9 one.

10 Sec. ____ . Section 69.16A, Code 1987, is amended to
11 read as follows:

12 69.16A GENDER BALANCE.

13 ~~It is a policy of the state of Iowa that all~~ All
14 appointive boards, commissions, committees and
15 councils of the state established by the Code if not
16 otherwise provided by law shall reflect, as much as
17 possible, a gender balance be gender balanced. No
18 person shall be appointed or reappointed to any board,
19 commission, committee, or council established by the
20 Code if that appointment or reappointment would cause
21 the number of members of the board, commission,
22 committee, or council of one gender to be greater than
23 one-half the membership of the board, commission,
24 committee, or council plus one. If there are multiple
25 appointing authorities for a board, commission,
26 committee, or council, they shall consult each other
27 to avoid a violation of this section."

28 16. Page 4, line 14, by inserting after the word
29 "member" the following: "of a judicial nominating
30 commission".

31 17. Page 4, by striking lines 17 through 21.

32 18. Title page, line 2, by inserting after the
33 word "commissioners" the following: "and balance in
34 the appointment of members of state boards,
35 commissions, committees, and councils".

36 19. By numbering and renumbering as necessary.

H-3574 FILED APRIL 2, 1987 BY COMMITTEE ON STATE GOVERNMENT

Adopted 4/13/87 (p. 1280)

HOUSE AMENDMENT TO
SENATE FILE 148

S-3599

1 Amend Senate File 148, as amended and passed by the
2 Senate, as follows:

3 1. Page 1, line 10, by striking the word "Not"
4 and inserting the word "No".

5 2. Page 1, line 28, by striking the word "female"
6 and inserting the following: "a woman".

7 3. Page 1, line 29, by striking the word "male"
8 and inserting the following: "a man".

9 4. Page 1, line 30, by striking the word "female"
10 and inserting the word "women".

11 5. Page 1, line 31, by striking the word "male"
12 and inserting the word "men".

13 6. Page 2, by striking lines 1 through 9 and
14 inserting the following:

15 "~~In January 1972 the~~ The governor shall appoint
16 five eligible electors of each judicial election
17 district to the district judicial nominating
18 commission. Appointments shall be to staggered terms
19 of six years each and shall be made in the month of
20 January for terms commencing February 17, 1972 of even-
21 numbered years. The governor shall appoint two such
22 commissioners to serve until January 31, 1974, two to
23 serve until January 31, 1976, and one to serve until
24 January 31, 1978, in the month of January when each
25 of those terms expires and every six years thereafter
26 the governor shall appoint district judicial
27 nominating commissioners for six-year terms. No more
28 than a".

29 7. Page 2, by striking lines 16 through 26 and
30 inserting the following:

31 "~~In January 1972 the~~ The resident members of the
32 bar of each judicial election district shall elect
33 five eligible electors of the district to the district
34 judicial nominating commission ~~for terms commencing~~
35 February 17, 1972. One of such commissioners shall
36 serve until January 31, 1974, two until January 31,
37 1976, and two until January 31, 1978, as determined by
38 not by such commissioners, in the month of January
39 when each of those terms expires and every six years
40 thereafter such members of the bar of the respective
41 judicial election districts shall elect district
42 nominating commissioners for six-year terms.
43 Commissioners shall be elected to staggered terms of
44 six years each. The elections shall be held in the
45 month of January for terms commencing February 1 of
46 even-numbered years."

47 8. Page 2, line 29, by striking the words "female
48 and one shall be male" and inserting the following:
49 "a woman and one shall be a man".

50 9. Page 2, line 31, by striking the word "female"

S-3599 pg. 2

1 and inserting the following: "a woman".

2 10. Page 2, line 32, by striking the word "male"

3 and inserting the following: "a man".

4 11. Page 2, line 33, by striking the word

5 "female" and inserting the following: "a woman".

6 12. Page 2, line 35, by striking the word "male"

7 and inserting the following: "a man".

8 13. Page 3, lines 1 and 2, by striking the words

9 "female and male" and inserting the following: "women
10 and men".

11 14. Page 4, by striking lines 3 through 12 and

12 inserting the following: "shall arrange- ~~or the~~

13 ~~publication of~~ cause to be mailed to each member of

14 ~~the bar whose name appears on the certified list~~

15 ~~prepared pursuant to section 45.8 for the district or~~

16 ~~districts affected,~~ a notice stating the existence of

17 ~~the vacancy, the requirements for eligibility, and the~~

18 ~~manner in which the vacancy will be filled in those~~

19 ~~publications which the clerk of the supreme court~~

20 ~~deems likely to give reasonable notice to the eligible~~

21 ~~voting members of the bar of the district in which the~~

22 ~~vacancy occurs.~~ Other items may be included in the

23 ~~same mailing if they are on sheets separate from the~~

24 ~~notice.~~ The election of a district judicial

25 ~~nominating commissioner or the close of nominations~~

26 ~~for a state judicial nominating commissioner shall not~~

27 ~~occur until thirty days after the publication mailing~~

28 ~~of the notice."~~

29 15. Page 4, by inserting after line 12, the

30 following:

31 "Sec. ____ . NEW SECTION. 46.9A NOTICE PRECEDING

32 NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.

33 At least sixty days prior to the expiration of the

34 term of an elective state or district judicial

35 nominating commissioner, the clerk of the supreme

36 court shall cause to be mailed to each member of the

37 bar whose name appears on the certified list prepared

38 pursuant to section 46.8 for the district or districts

39 affected, a notice stating the date the term of office

40 will expire, the requirements for eligibility to the

41 office for the succeeding term, and the procedure for

42 filing nominating petitions, including the last date

43 for filing. Other items may be included in the same

44 mailing if they are on sheets separate from the

45 notice.

46 Sec. ____ . Section 69.16, unnumbered paragraph 1,

47 Code 1987, is amended to read as follows:

48 ~~It is declared the policy of the state of Iowa that~~

49 ~~all~~ All appointive boards, commissions, and councils

50 of the state established by the Code if not otherwise

1 provided by law shall be bipartisan in their
2 composition. No person shall be appointed or
3 reappointed to any board, commission, or council
4 established by the Code if the effect of that
5 appointment or reappointment would cause the number of
6 members of the board, commission, or council belonging
7 to one political party to be greater than one-half the
8 membership of the board, commission, or council plus
9 one.

10 Sec. ____ Section 69.16A, Code 1987, is amended to
11 read as follows:

12 69.16A GENDER BALANCE.

13 ~~It is a policy of the state of Iowa that all~~ All
14 appointive boards, commissions, committees and
15 councils of the state established by the Code if not
16 otherwise provided by law shall reflect, as much as
17 possible, a gender balance be gender balanced. No
18 person shall be appointed or reappointed to any board,
19 commission, committee, or council established by the
20 Code if that appointment or reappointment would cause
21 the number of members of the board, commission,
22 committee, or council of one gender to be greater than
23 one-half the membership of the board, commission,
24 committee, or council plus one. If there are multiple
25 appointing authorities for a board, commission,
26 committee, or council, they shall consult each other
27 to avoid a violation of this section,"

28 16. Page 4, line 14, by inserting after the word
29 "member" the following: "of a judicial nominating
30 commission".

31 17. Page 4, by striking lines 17 through 21.

32 18. Title page, line 2, by inserting after the
33 word "commissioners" the following: "and balance in
34 the appointment of members of state boards,
35 commissions, committees, and councils".

36 19. By numbering and renumbering as necessary.

S-3599

Filed April 15, 1987

RECEIVED FROM THE HOUSE

Amended by 3948 & concurred 5/1/87 (p. 1654)

SENATE FILE 148

S-3948

1 Amend the House amendment S-3599, to Senate File
2 148 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 3, line 27, by inserting after the word
5 "section." the following: "This section shall not
6 prohibit an individual from completing a term being
7 served on June 30, 1987."

S-3948

Filed May 1, 1987

ADOPTED (p. 1654)

MICHAEL E. GRONSTAL
JOY CORNING
JULIA GENTLEMAN

BY JEAN LLOYD-JONES
BEVERLY A. HANNON
BILL HUTCHINS
CHARLES BRUNER

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 148
H-4242

1 Amend the House amendment S-3599, to Senate File
2 148 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 3, line 27, by inserting after the word
5 "section." the following: "This section shall not
6 prohibit an individual from completing a term being
7 served on June 30, 1987.".

H-4242 FILED MAY 6, 1987

RECEIVED FROM THE SENATE

House concurred 5/7/87 (p. 2129)

1 Section 1. Section 46.1, Code 1987, is amended to read as
2 follows:

3 46.1 APPOINTMENT OF STATE JUDICIAL NOMINATING
4 COMMISSIONERS.

5 The governor shall appoint, subject to confirmation by the
6 senate, one eligible elector of each congressional district to
7 the state judicial nominating commission for a six-year term
8 beginning and ending as provided in section 69.19. The terms
9 of no more than three nor less than two of the members shall
10 expire within the same two-year period. Not more than a
11 simple majority of the members appointed shall be of the same
12 gender.

13 Sec. 2. Section 46.2, Code 1987, is amended to read as
14 follows:

15 46.2 ELECTION OF STATE JUDICIAL NOMINATING COMMISSIONERS.

16 The resident members of the bar of each congressional
17 district shall elect one eligible elector of such the district
18 to the state judicial nominating commission for a six-year
19 term beginning July 1. The terms of no more than three nor
20 less than two of such the members shall expire within the same
21 two-year period, the expiration dates being governed by the
22 expiration dates of the terms of the original appointive
23 members. The members of the bar of the respective
24 congressional districts shall in January, immediately
25 preceding the expiration of the term of a member of the
26 commission, elect a successor for a like term. For the first
27 elective term open on or after July 1, 1987, in the odd-
28 numbered districts the elected member shall be female and in
29 the even-numbered districts the elected member shall be male.
30 Thereafter, the districts shall alternate between female and
31 male elected members.

32 Sec. 3. Section 46.3, Code 1987, is amended to read as
33 follows:

34 46.3 APPOINTMENT OF DISTRICT JUDICIAL NOMINATING
35 COMMISSIONERS.

1 In January 1972 the governor shall appoint five eligible
2 electors of each judicial election district to the district
3 judicial nominating commission for terms commencing February
4 1, 1972. The governor shall appoint two such commissioners to
5 serve until January 31, 1974, two to serve until January 31,
6 1976, and one to serve until January 31, 1978. In the month
7 of January when each of those terms expires and every six
8 years thereafter the governor shall appoint district judicial
9 nominating commissioners for six-year terms. No more than a
10 simple majority of the commissioners appointed shall be of the
11 same gender.

12 Sec. 4. Section 46.4, Code 1987, is amended to read as
13 follows:

14 46.4 ELECTION OF DISTRICT JUDICIAL NOMINATING
15 COMMISSIONERS.

16 In January 1972 the resident members of the bar of each
17 judicial election district shall elect five eligible electors
18 of the district to the district judicial nominating commission
19 for terms commencing February 1, 1972. One of such
20 commissioners shall serve until January 31, 1974, two until
21 January 31, 1976, and two until January 31, 1978, as
22 determined by lot by such commissioners. In the month of
23 January when each of those terms expires and every six years
24 thereafter such members of the bar of the respective judicial
25 election districts shall elect district nominating
26 commissioners for six-year terms.

27 For terms commencing February 1, 1988, and every six years
28 thereafter, one elected commissioner in each district shall be
29 female and one shall be male. For terms commencing February
30 1, 1990, and every six years thereafter, one elected
31 commissioner in each district shall be female and one shall be
32 male. For the term commencing February 1, 1992, in the odd-
33 numbered districts the elected commissioner shall be female
34 and in the even-numbered districts the elected commissioner
35 shall be male. For the terms commencing every six years

857/1 thereafter, the districts shall alternate between female and
2 male elected commissioners.

3 Sec. 5. Section 46.5, Code 1987, is amended to read as
4 follows:

5 46.5 VACANCIES.

6 When a vacancy occurs in the office of appointive judicial
7 nominating commissioner, the chairperson of the particular
8 commission shall promptly notify the governor in writing of
9 such fact. Vacancies in the office of appointive judicial
10 nominating commissioner shall be filled by appointment by the
11 governor, consistent with eligibility requirements. The term
12 of state judicial nominating commissioners so appointed shall
13 commence upon their appointment pending confirmation by the
14 senate at the then session of the general assembly or at its
15 next session if it is not then in session. The term of
16 district judicial nominating commissioners so appointed shall
17 commence upon their appointment.

18 Except where the term has less than ninety days remaining,
19 vacancies in the office of elective member of the state
20 judicial nominating commission shall be filled consistent with
21 eligibility requirements by a special election within the
22 congressional district where the vacancy occurs, such election
23 to be conducted as provided in sections 46.9 and 46.10.

24 Vacancies in the office of elective judicial nominating
25 commissioner of district judicial nominating commissions shall
26 be filled consistent with eligibility requirements and by
27 majority vote of the authorized number of elective members of
28 the particular commission, at a meeting of such members called
29 in the manner provided in section 46.13. The term of judicial
30 nominating commissioners so chosen shall commence upon their
31 selection.

32 If a vacancy occurs in the office of chairperson of a
33 judicial nominating commission, or in the absence of the
34 chairperson, the members of the particular commission shall
35 elect a temporary chairperson from their own number.

1 When a vacancy in an office of an elective judicial
2 nominating commissioner occurs, the clerk of the supreme court
3 shall arrange for the publication of a notice stating the
4 existence of the vacancy, the requirements for eligibility,
5 and the manner in which the vacancy will be filled in those
6 publications which the clerk of the supreme court deems likely
7 to give reasonable notice to the eligible voting members of
8 the bar of the district in which the vacancy occurs. The
9 election of a district judicial nominating commissioner or the
10 close of nominations for a state judicial nominating
11 commissioner shall not occur until thirty days after the
12 publication of the notice.

13 Sec. 6. Notwithstanding the requirements of this Act, no
14 member appointed or elected prior to the effective date of
15 this Act shall be removed solely for purposes of meeting
16 gender requirements.

17 Sec. 7. The gender requirements of this Act shall have no
18 force or effect if at the time for election or appointment, no
19 person of the correct gender has complied with the filing
20 requirements contained in section 46.10 or has met the
21 qualifications of chapter 46.

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March 3, 1987

SENATE FILE 148

3093

1 Amend Senate File 148 as follows:
2 1. Page 4, by inserting after line 11 the
3 following:
4 "Sec. _____. Notwithstanding the requirements of
5 this Act, no member appointed or elected prior to the
6 effective date of this Act shall be removed solely for
7 purposes of meeting gender requirements.
8 Sec. _____. The gender requirements of this Act
9 shall have no force or effect if at the time for
10 election or appointment, no person of the correct
11 gender has complied with the filing requirements
12 contained in section 46.10 or has met the
13 qualifications of chapter 46."

S-3093

File March 2, 1987

Adopted 3/10/87 (p 609)

By RICHARD F. DRAKE

SENATE FILE 148

S-3121

1 Amend Senate File 148 as follows:
2 1. Page 1, line 10, by inserting after the word
3 "a" the word "simple".
4 2. Page 2, line 8, by inserting after the word
5 "a" the word "simple".

S-3121

Filed March 9, 1987

Adopted 3/10/87 (p 609)

BY JEAN LLOYD-JONES

SENATE FILE 148

AN ACT

RELATING TO GENDER BALANCE IN THE APPOINTMENT AND ELECTION OF JUDICIAL NOMINATING COMMISSIONERS AND BALANCE IN THE APPOINTMENT OF MEMBERS OF STATE BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 46.1, Code 1987, is amended to read as follows:

46.1 APPOINTMENT OF STATE JUDICIAL NOMINATING COMMISSIONERS.

The governor shall appoint, subject to confirmation by the senate, one eligible elector of each congressional district to the state judicial nominating commission for a six-year term beginning and ending as provided in section 69.19. The terms of no more than three nor less than two of the members shall expire within the same two-year period. No more than a simple majority of the members appointed shall be of the same gender.

Sec. 2. Section 46.2, Code 1987, is amended to read as follows:

46.2 ELECTION OF STATE JUDICIAL NOMINATING COMMISSIONERS.

The resident members of the bar of each congressional district shall elect one eligible elector of such the district to the state judicial nominating commission for a six-year term beginning July 1. The terms of no more than three nor less than two of such the members shall expire within the same two-year period, the expiration dates being governed by the expiration dates of the terms of the original appointive members. The members of the bar of the respective congressional districts shall in January, immediately preceding the expiration of the term of a member of the commission, elect a successor for a like term. For the first

elective term open on or after July 1, 1987, in the odd-numbered districts the elected member shall be a woman and in the even-numbered districts the elected member shall be a man. Thereafter, the districts shall alternate between women and men elected members.

Sec. 3. Section 46.3, Code 1987, is amended to read as follows:

46.3 APPOINTMENT OF DISTRICT JUDICIAL NOMINATING COMMISSIONERS.

~~In January 1972 the~~ The governor shall appoint five eligible electors of each judicial election district to the district judicial nominating commission. Appointments shall be to staggered terms of six years each and shall be made in the month of January for terms commencing February 1, 1972 of even-numbered years. The governor shall appoint two such commissioners to serve until January 31, 1974, two to serve until January 31, 1976, and one to serve until January 31, 1978; in the month of January when each of those terms expires and every six years thereafter the governor shall appoint district judicial nominating commissioners for six-year terms. No more than a simple majority of the commissioners appointed shall be of the same gender.

Sec. 4. Section 46.4, Code 1987, is amended to read as follows:

46.4 ELECTION OF DISTRICT JUDICIAL NOMINATING COMMISSIONERS.

~~In January 1972 the~~ The resident members of the bar of each judicial election district shall elect five eligible electors of the district to the district judicial nominating commission for terms commencing February 1, 1972. One of such commissioners shall serve until January 31, 1974, two until January 31, 1976, and two until January 31, 1978, as determined by lot by such commissioners, in the month of January when each of those terms expires and every six years thereafter such members of the bar of the respective judicial

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~~election districts shall elect district nominating commissioners for six-year terms. Commissioners shall be elected to staggered terms of six years each. The elections shall be held in the month of January for terms commencing February 1 of even-numbered years.~~

For terms commencing February 1, 1988, and every six years thereafter, one elected commissioner in each district shall be a woman and one shall be a man. For terms commencing February 1, 1990, and every six years thereafter, one elected commissioner in each district shall be a woman and one shall be a man. For the term commencing February 1, 1992, in the odd-numbered districts the elected commissioner shall be a woman and in the even-numbered districts the elected commissioner shall be a man. For the terms commencing every six years thereafter, the districts shall alternate between women and men elected commissioners.

Sec. 5. Section 46.5, Code 1987, is amended to read as follows:

46.5 VACANCIES.

When a vacancy occurs in the office of appointive judicial nominating commissioner, the chairperson of the particular commission shall promptly notify the governor in writing of such fact. Vacancies in the office of appointive judicial nominating commissioner shall be filled by appointment by the governor, consistent with eligibility requirements. The term of state judicial nominating commissioners so appointed shall commence upon their appointment pending confirmation by the senate at the then session of the general assembly or at its next session if it is not then in session. The term of district judicial nominating commissioners so appointed shall commence upon their appointment.

Except where the term has less than ninety days remaining, vacancies in the office of elective member of the state judicial nominating commission shall be filled consistent with eligibility requirements by a special election within the

congressional district where the vacancy occurs, such election to be conducted as provided in sections 46.9 and 46.10.

Vacancies in the office of elective judicial nominating commissioner of district judicial nominating commissions shall be filled consistent with eligibility requirements and by majority vote of the authorized number of elective members of the particular commission, at a meeting of such members called in the manner provided in section 46.13. The term of judicial nominating commissioners so chosen shall commence upon their selection.

If a vacancy occurs in the office of chairperson of a judicial nominating commission, or in the absence of the chairperson, the members of the particular commission shall elect a temporary chairperson from their own number.

When a vacancy in an office of an elective judicial nominating commissioner occurs, the clerk of the supreme court shall arrange for the publication of cause to be mailed to each member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected, a notice stating the existence of the vacancy, the requirements for eligibility, and the manner in which the vacancy will be filled in those publications which the clerk of the supreme court deems likely to give reasonable notice to the eligible voting members of the bar of the district in which the vacancy occurs. Other items may be included in the same mailing if they are on sheets separate from the notice. The election of a district judicial nominating commissioner or the close of nominations for a state judicial nominating commissioner shall not occur until thirty days after the publication mailing of the notice.

Sec. 6. NEW SECTION. 46.9A NOTICE PRECEDING NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.

At least sixty days prior to the expiration of the term of an elective state or district judicial nominating commissioner, the clerk of the supreme court shall cause to be

mailed to each member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected, a notice stating the date the term of office will expire, the requirements for eligibility to the office for the succeeding term, and the procedure for filing nominating petitions, including the last date for filing. Other items may be included in the same mailing if they are on sheets separate from the notice.

Sec. 7. Section 69.16, unnumbered paragraph 1, Code 1987, is amended to read as follows:

~~It is declared the policy of the state of Iowa that all~~ All appointive boards, commissions, and councils of the state established by the Code if not otherwise provided by law shall be bipartisan in their composition. No person shall be appointed or reappointed to any board, commission, or council established by the Code if the effect of that appointment or reappointment would cause the number of members of the board, commission, or council belonging to one political party to be greater than one-half the membership of the board, commission, or council plus one.

Sec. 8. Section 69.16A, Code 1987, is amended to read as follows:

69.16A GENDER BALANCE.

~~It is a policy of the state of Iowa that all~~ All appointive boards, commissions, committees and councils of the state established by the Code if not otherwise provided by law shall ~~reflect, as much as possible, a gender balance~~ be gender balanced. No person shall be appointed or reappointed to any board, commission, committee, or council established by the Code if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, committee, or council plus one. If there are multiple appointing authorities for a board, commission, committee, or council, they shall consult

each other to avoid a violation of this section. This section shall not prohibit an individual from completing a term being served on June 30, 1987.

Sec. 9. Notwithstanding the requirements of this Act, no member of a judicial nominating commission appointed or elected prior to the effective date of this Act shall be removed solely for purposes of meeting gender requirements.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 148, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved  1987

TERRY E. BRANSTAD
Governor