

Senate File 326

H-1475

1 Amend Senate File 326, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 46.12, Code 2011, is amended to  
5 read as follows:

6 **46.12 Notification of vacancy and resignation.**

7 1. When a vacancy occurs or will occur within one  
8 hundred twenty days in the supreme court, ~~the court of~~  
9 ~~appeals~~, or district court, the state commissioner of  
10 elections shall forthwith so notify the chairperson  
11 of the proper judicial nominating commission. The  
12 chairperson shall call a meeting of the commission  
13 within ten days after such notice; if the chairperson  
14 fails to do so, the chief justice shall call such  
15 meeting.

16 2. When a vacancy occurs or will occur within one  
17 hundred twenty days in the court of appeals, the state  
18 commissioner of elections shall notify the governor of  
19 the vacancy. The governor shall make the appointment  
20 to fill the vacancy pursuant to section 46.14A.

21 3. When a judge of the supreme court, court  
22 of appeals, or district court resigns, the judge  
23 shall submit a copy of the resignation to the state  
24 commissioner of elections at the time the judge submits  
25 the resignation to the governor; and when a judge of  
26 the supreme court, court of appeals, or district court  
27 dies, the clerk of district court of the county of the  
28 judge's residence shall in writing forthwith notify the  
29 state commissioner of elections of such fact.

30 Sec. \_\_\_\_\_. Section 46.14A, Code 2011, is amended to  
31 read as follows:

32 **46.14A Court of appeals — nominees appointment.**

33 Vacancies in the court of appeals shall be filled  
34 by appointment by the governor ~~from a list of nominees~~  
35 ~~submitted by the state judicial nominating commission.~~  
36 ~~Three nominees shall be submitted for each vacancy~~  
37 subject to confirmation by the senate. Nominees A  
38 person appointed to the court of appeals shall have the  
39 qualifications prescribed for nominees to the supreme  
40 court. The governor shall make the appointment to fill  
41 a vacancy on the court of appeals within one hundred  
42 twenty days of receiving notice that such a vacancy  
43 has occurred. The senate shall vote on confirmation  
44 during the regular session of the general assembly, if  
45 the governor appoints the person during the regular  
46 session of the general assembly. If the appointment is  
47 made after the regular session of the general assembly,  
48 the senate shall vote on confirmation during the next  
49 regular session of the general assembly. If the senate  
50 fails to confirm an appointment to fill the vacancy,

1 the governor shall make another appointment to the  
2 court of appeals subject to confirmation by the senate  
3 until the vacancy is filled.

4 Sec. \_\_\_\_\_. Section 46.15, subsection 1, Code 2011,  
5 is amended to read as follows:

6 1. All appointments to the supreme court ~~and court~~  
7 ~~of appeals~~ shall be made from the nominees of the state  
8 judicial nominating commission, and all appointments to  
9 the district court shall be made from the nominees of  
10 the district judicial nominating commission.

11 Sec. \_\_\_\_\_. Section 46.16, subsection 1, paragraph a,  
12 Code 2011, is amended to read as follows:

13 a. The initial term of office of judges of the  
14 supreme court, ~~court of appeals,~~ and district court  
15 shall be for one year after appointment and until  
16 January 1 following the next judicial election after  
17 expiration of such year, ~~and.~~

18 Sec. \_\_\_\_\_. Section 46.16, subsection 1, Code 2011,  
19 is amended by adding the following new paragraph:

20 NEW PARAGRAPH. *Ob.* The initial term of office of  
21 judges of the court of appeals shall be for one year  
22 after confirmation and until January 1 following the  
23 next judicial election after expiration of such year.>

24 2. Page 1, line 7, by striking <, court of  
25 appeals,>

26 3. Page 1, after line 8 by inserting:

27 <1A. Notwithstanding section 46.12, the chief  
28 justice may order the state commissioner of elections  
29 to delay for budgetary reasons, the sending of the  
30 notification to the governor that a vacancy in the  
31 court of appeals has occurred or will occur.>

32 4. Page 1, after line 25 by inserting:

33 <Sec. \_\_\_\_\_. Section 602.5102, subsection 2, Code  
34 2011, is amended to read as follows:

35 2. Judges of the court of appeals shall be  
36 ~~nominated and~~ appointed and shall stand for retention  
37 in office as provided in chapter 46. Judges of the  
38 court of appeals shall qualify for office as provided  
39 in chapter 63.>

40 5. Page 3, after line 25 by inserting:

41 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This Act,  
42 being deemed of immediate importance, takes effect upon  
43 enactment.>

44 6. Title page, line 2, after <judges> by inserting  
45 <and including effective date provisions>

46 7. By renumbering as necessary.

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PEARSON of Polk

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SHAW of Pocahontas

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CHAMBERS of O'Brien

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DE BOEF of Keokuk

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MASSIE of Warren