

Senate File 237

S-3020

1 Amend Senate File 237 as follows:

2 1. Page 2, after line 1 by inserting:

3 <Sec. \_\_\_\_ . NEW SECTION. 46.1A Appointment of state judicial  
4 nominating commissioner by supreme court.

5 1. The supreme court, by majority vote, shall appoint one  
6 eligible elector to the state judicial nominating commission.

7 2. The appointment made by the supreme court shall be for a  
8 term of six years and shall be made in the month of January for  
9 a term commencing February 1.

10 3. The commissioner shall be chosen without reference to  
11 political affiliation.

12 4. The supreme court shall give due consideration to area  
13 representation on the commission when making an appointment.

14 5. A person appointed to replace a commissioner in the  
15 middle of a term must be of the same gender as the commissioner  
16 being replaced. A person appointed to replace a commissioner  
17 upon the end of a term shall be of a different gender than the  
18 commissioner being replaced.

19 6. A commissioner who has served a full six-year term on the  
20 state judicial nominating commission, whether the commissioner  
21 was appointed or elected, shall be ineligible to be appointed  
22 to a second six-year term.

23 7. No person may be appointed who holds an office of  
24 profit of the United States or of the state at the time of  
25 appointment.>

26 2. Page 4, after line 10, by inserting:

27 <5. The supreme court shall appoint one commissioner of any  
28 gender with an initial term expiring on January 31, 2021.>

29 3. Page 4, line 11, by striking <5.> and inserting <5- 6.>

30 4. Page 5, line 6, by striking <7- 6.> and inserting <7.>

31 5. Page 5, line 7, after <members> by inserting <new>

32 6. Page 5, line 9, after <terms> by inserting < , by the  
33 supreme court as provided in section 46.1A,>

34 7. Page 5, line 11, by striking <7.> and inserting <8.>

35 8. Page 5, by striking line 13 and inserting <the governor

1 prior to the effective date of this Act, any scheduled meeting  
2 of the commission shall be postponed until the newly appointed  
3 commission holds its first organizational meeting properly  
4 noticed under section 46.13. The>

5 9. Page 5, line 24, by striking <five four> and inserting  
6 <five>

7 10. Page 5, line 31, by striking <a ~~simple majority~~ half>  
8 and inserting <a simple majority>

9 11. Page 6, line 4, by striking <~~or elected~~> and inserting  
10 <or elected>

11 12. By striking page 6, line 12, through page 7, line 13,  
12 and inserting:

13 <Sec. \_\_\_\_\_. NEW SECTION. 46.3A **Appointment of district**  
14 **judicial nominating commissioner by supreme court.**

15 1. The supreme court, by majority vote, shall appoint one  
16 eligible elector of each judicial election district to the  
17 district judicial nominating commission.

18 2. The appointments made by the supreme court shall be for  
19 terms of six years and shall be made in the month of January for  
20 terms commencing February 1 of odd-numbered years.

21 3. The commissioners shall be chosen without reference to  
22 political affiliation.

23 4. The supreme court shall give due consideration to area  
24 representation on the commission when making an appointment.

25 5. A person appointed to replace a commissioner in the  
26 middle of a term must be of the same gender as the commissioner  
27 being replaced. A person appointed to replace a commissioner  
28 upon the end of a term shall be of a different gender than the  
29 commissioner being replaced.

30 6. A commissioner who has served a full six-year term  
31 on the district judicial nominating commission, whether the  
32 commissioner was appointed or elected, shall be ineligible to  
33 be appointed to a second six-year term.

34 7. No person may be appointed who holds an office of  
35 profit of the United States or of the state at the time of

1 appointment.

2 Sec. \_\_\_\_\_. Section 46.4, Code 2019, is amended by adding the  
3 following new subsections:

4 NEW SUBSECTION. 3. A commissioner who has served a full  
5 six-year term on the district judicial nominating commission,  
6 whether the commissioner was appointed or elected, shall be  
7 ineligible to be elected to a second six-year term.

8 NEW SUBSECTION. 4. No person may be elected who holds an  
9 office of profit of the United States or of the state at the  
10 time of appointment.>

11 13. By striking page 7, line 16, through page 9, line 11,  
12 and inserting:

13 <1. The initial term of the commissioners appointed by the  
14 supreme court shall be as follows:

15 a. In judicial election districts 1A, 2A, 3A, 5A, 5C, 8A,  
16 and the seventh judicial district, the supreme court shall  
17 appoint one male commissioner with a term expiring on January  
18 31, 2021.

19 b. In judicial election district 1B, 2B, 3B, 5B, 8B, and the  
20 fourth and sixth judicial districts, the supreme court shall  
21 appoint one female commissioner with a term expiring on January  
22 31, 2025.

23 2. After the initial term is served pursuant to subsection  
24 1, new commissioners shall be appointed to six-year terms by  
25 the supreme court as provided in section 46.3A.

26 3. If a district judicial nominating commission has  
27 received notice of a vacancy and has not yet submitted nominees  
28 to the governor prior to the effective date of this Act, any  
29 scheduled meeting of the commission shall be postponed until  
30 any new commissioner is appointed pursuant to this section and  
31 the commission holds a new organizational meeting properly  
32 noticed under section 46.13. The commission may choose to  
33 continue with its currently scheduled nomination process,  
34 extend its nomination process, or conduct a new nomination  
35 process. In any such pending vacancy, notwithstanding section

1 46.14, subsection 1, the commission must certify to the  
2 governor and the chief justice the proper number of nominees  
3 within sixty days of the effective date of this Act.>

4 14. By striking page 9, line 15, through page 11, line 3,  
5 and inserting:

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

21 2. ~~Except where the term has less than ninety days~~  
22 ~~remaining, vacancies in the office of elective member of the~~  
23 ~~state judicial nominating commission shall be filled consistent~~  
24 ~~with eligibility requirements by a special election within the~~  
25 ~~congressional district where the vacancy occurs, such election~~  
26 ~~to be conducted as provided in [sections 46.9](#) and [46.10](#). An~~  
27 appointive commissioner shall be deemed to have submitted a  
28 resignation if the commissioner fails to attend a meeting of  
29 the commission that is properly noticed under section 46.13  
30 and at which the commission conducts interviews or selects  
31 nominees for judicial office. The appointing authority of  
32 the commissioner in the appointing authority's discretion may  
33 accept or reject the resignation. If the appointing authority  
34 accepts the resignation, the appointing authority shall notify  
35 the commissioner and the chairperson of the commission in

1 writing and shall then make another appointment.

2 3. Vacancies in the office of elective district judicial  
3 nominating commissioner ~~of district judicial nominating~~  
4 ~~commissions~~ shall be filled consistent with eligibility  
5 requirements ~~and by majority vote of the authorized number of~~  
6 ~~elective members of the particular commission, at a meeting of~~  
7 ~~such members called in the manner provided in section 46.13.~~  
8 ~~The term of judicial nominating commissioners so chosen shall~~  
9 ~~commence upon their selection by a special election within the~~  
10 judicial election district where the vacancy occurs unless the  
11 term has less than ninety days remaining, in which case the  
12 office shall remain vacant. The special election shall be  
13 completed within ninety days of the vacancy arising and shall  
14 be conducted as provided in sections 46.9, 46.9A, and 46.10.

15 4. If a vacancy occurs in the office of chairperson of  
16 a judicial nominating commission, ~~or in the members of the~~  
17 particular commission shall elect a new chairperson as provided  
18 in section 46.6. In the absence of the chairperson, the  
19 members of the particular commission shall elect a temporary  
20 chairperson from their own number.

21 5. ~~When a vacancy in an office of an elective judicial~~  
22 ~~nominating commissioner occurs, the state court administrator~~  
23 ~~shall cause to be mailed to each member of the bar whose name~~  
24 ~~appears on the certified list prepared pursuant to section 46.8~~  
25 ~~for the district or districts affected, a notice stating the~~  
26 ~~existence of the vacancy, the requirements for eligibility,~~  
27 ~~and the manner in which the vacancy will be filled. Other~~  
28 ~~items may be included in the same mailing if they are on sheets~~  
29 ~~separate from the notice. The election of a district judicial~~  
30 ~~nominating commissioner or the close of nominations for a state~~  
31 ~~judicial nominating commissioner shall not occur until thirty~~  
32 ~~days after the mailing of the notice. Notwithstanding section~~  
33 69.1A, appointed and elected commissioners on the state and  
34 district judicial nominating commissions shall not hold over  
35 until their successor is elected and qualified.>

1 15. Page 11, by striking lines 11 through 20 and inserting  
2 ~~<nominating commission. The commissioners of a particular~~  
3 judicial nominating commission shall elect a chairperson from  
4 their own number. The chairperson shall serve a two-year  
5 term that expires on January 31 of odd-numbered years. A  
6 commissioner may be reelected for a second or third term  
7 as chairperson. If a chairperson of a judicial nominating  
8 commission desires to be relieved of the duties of chairperson  
9 while retaining the status of commissioner, the chairperson  
10 shall notify the governor and the other commissioners of  
11 the commission. At the next meeting of the commission, the  
12 commissioners shall elect a new chairperson for the remainder  
13 of the two-year term.

14 Sec. \_\_\_\_\_. Section 46.7, Code 2019, is amended to read as  
15 follows:

16 **46.7 Eligibility to vote.**

17 To be eligible to vote in elections of district judicial  
18 nominating commissioners, a member of the bar must be eligible  
19 to practice and must be a resident of the state of Iowa and of  
20 the appropriate ~~congressional district or judicial election~~  
21 ~~district as shown by the member's most recent filing with the~~  
22 ~~supreme court for the purposes of showing compliance with~~  
23 ~~the court's continuing legal education requirements, or for~~  
24 ~~members of the bar eligible to practice who are not required~~  
25 ~~to file such compliance, any paper on file by July 1 with the~~  
26 ~~state court administrator, for the purpose of establishing~~  
27 ~~eligibility to vote under [this section](#), which the court~~  
28 ~~determines to show the requisite residency requirements at the~~  
29 time the member votes in the election. The member's residency  
30 shall be determined by the home address shown on the member's  
31 most recent electronic or paper submission to the commission  
32 on continuing education and the client security commission or  
33 on the member's bar admission records. A judge who has been  
34 admitted to the bar of the state of Iowa shall be considered a  
35 member of the bar.

1     Sec. \_\_\_\_\_. Section 46.8, Code 2019, is amended to read as  
2 follows:

3     **46.8 Certified list.**

4     ~~Each year the~~ The state court administrator shall ~~certify a~~  
5 maintain a certified list of the names, addresses, and years  
6 of admission of members of the bar who are eligible to vote for  
7 ~~state and~~ district judicial nominating commissioners.

8     Sec. \_\_\_\_\_. Section 46.9, Code 2019, is amended to read as  
9 follows:

10    **46.9 Conduct of elections.**

11    When an election of judicial nominating commissioners is  
12 to be held, the state court administrator shall administer  
13 the voting. The state court administrator may administer  
14 the voting by electronic notification and voting or by paper  
15 ballot mailed to each eligible attorney. The state court  
16 administrator shall mail paper ballots to eligible attorneys or  
17 electronically notify and enable eligible attorneys to vote.  
18 The elector receiving the most votes shall be elected. When  
19 more than one commissioner is to be elected, the electors  
20 receiving the most votes shall be elected, in the same number  
21 as the offices to be filled. The election results, including  
22 the number of votes cast for each elector and the total number  
23 of members of the bar eligible to vote in each election, shall  
24 be made publicly available on the judicial branch internet  
25 site and shall be reported to the governor and to the general  
26 assembly within ten days after the conclusion of the election.

27    Sec. \_\_\_\_\_. Section 46.9A, Code 2019, is amended to read as  
28 follows:

29    **46.9A Notice preceding nomination of elective district**  
30 **judicial nominating commissioners.**

31    At least sixty days prior to the expiration of the term of an  
32 elective ~~state or~~ district judicial nominating commissioner or  
33 the expiration of the period within which a special election  
34 must be held, the state court administrator shall ~~mail paper~~  
35 ~~ballots to eligible attorneys or electronically notify and~~

1 ~~enable eligible attorneys to vote. An eligible attorney is~~  
2 ~~a member of the bar whose name appears on the certified list~~  
3 ~~prepared pursuant to section 46.8 for the district or districts~~  
4 ~~affected provide notice of the current or upcoming vacancy~~  
5 ~~and the nomination and election process by making the notice~~  
6 ~~publicly available on the judicial branch internet site,~~  
7 ~~issuing a press release, and electronically notifying members~~  
8 ~~of the bar. The election shall not commence until at least~~  
9 ~~thirty days after the issuance of the notice required by this~~  
10 ~~section.~~

11 Sec. \_\_\_\_\_. Section 46.10, Code 2019, is amended to read as  
12 follows:

13 **46.10 Nomination of elective district judicial nominating**  
14 **commissioners.**

15 1. In order to have an eligible elector's name printed  
16 on the ballot for ~~state or~~ district judicial nominating  
17 commissioner, the eligible elector must file in the office of  
18 the state court administrator at least thirty days prior to  
19 expiration of the period within which the election must be  
20 held a nominating petition signed by ~~at least fifty resident~~  
21 ~~members of the bar of the congressional district in case of a~~  
22 ~~candidate for state judicial nominating commissioner, or at~~  
23 ~~least ten resident members of the bar~~ eligible electors of the  
24 judicial district in case of a candidate for district judicial  
25 nominating commissioner. ~~No member of the bar may sign more~~  
26 ~~nominating petitions for state or district judicial nominating~~  
27 ~~commissioner than there are such commissioners to be elected.~~

28 2. Ballots or electronic voting forms for state and district  
29 judicial nominating commissioners shall contain blank lines  
30 equal to the number of such commissioners to be elected, where  
31 names may be written in. Any electronic voting form must  
32 permit a voter to write in the name of any eligible elector.>

33 16. Page 11, line 25, after <respectively> by inserting <,  
34 the supreme court,>

35 17. Page 11, lines 28 and 29, by striking <chairperson



1 of the respective nominating commissions.> and inserting  
2 ~~chairperson of the respective nominating commissions~~  
3 governor. Upon the completion of an election, the state  
4 court administrator shall certify the names and addresses of  
5 the elected judicial nominating commissioners to the state  
6 commissioner of elections and the governor.>

7 18. By striking page 11, line 35, through page 12, line  
8 4, and inserting <forthwith so notify the ~~chairperson of~~  
9 ~~the proper judicial nominating commission~~ governor. The  
10 chairperson governor shall call a meeting of the proper  
11 judicial nominating commission within ten days after such  
12 notice; if the ~~chairperson~~ governor fails to do so, the chief  
13 justice shall call such meeting.>

14 19. Page 12, line 8, before <chairperson> by inserting  
15 <governor or>

16 20. Page 12, after line 30 by inserting:

17 <4. The state judicial nominating commission shall adopt  
18 uniform rules for the state and district judicial nominating  
19 commissions that shall be consistent with this chapter  
20 and shall provide for a uniform and fair process for the  
21 commissions to consider applicants and select nominees. The  
22 state judicial nominating commission shall provide for a public  
23 comment period of at least thirty days on its proposed uniform  
24 rules prior to adopting the rules and shall adopt the rules  
25 within six months of the effective date of this Act. Such  
26 rules shall be made publicly available on the judicial branch  
27 internet site.>

28 21. Page 13, line 13, after <commission.> by inserting  
29 <Nominees to the district court must reside in the judicial  
30 election district to which they are nominated or in another  
31 judicial election district in the same judicial district as the  
32 judicial election district to which they are nominated.>

33 22. Page 14, after line 3 by inserting:

34 <Sec. \_\_\_\_ . NEW SECTION. 46.15A Severability and judicial  
35 review.

1 1. If any provision or clause of this chapter or any  
2 application of this chapter to any person or circumstances  
3 is held invalid, such invalidity shall not affect other  
4 provisions, clauses, or applications of this chapter which can  
5 be given effect without the invalid provision or application,  
6 and to this end the provisions and clauses of this chapter are  
7 declared to be severable.

8 2. Notwithstanding any provision of law to the contrary, if  
9 section 46.2A, subsection 2, as amended by this Act, is held  
10 invalid, the appointed and elected commissioners currently  
11 serving six-year terms on the state judicial nominating  
12 commission on the effective date of this Act shall continue to  
13 serve until the expiration of their six-year terms, in addition  
14 to the new members appointed pursuant to section 46.2A, as  
15 amended by this Act. Upon the expiration of the currently  
16 serving commissioners or upon their office becoming vacant  
17 prior to the expiration of their terms, the offices shall not  
18 be filled.

19 3. Notwithstanding any provision of law to the contrary,  
20 if any provision of this chapter is preliminarily enjoined,  
21 no judicial nominating commission shall meet to nominate  
22 persons to serve as a judge or justice while the preliminary  
23 injunction is in effect or while any appeal of the preliminary  
24 injunction or a related permanent injunction is pending unless  
25 the injunction is subsequently stayed or otherwise lifted.>

26 23. Page 14, by striking lines 4 through 26 and inserting:  
27 <Sec. \_\_\_\_ . REPEAL. Section 602.11111, Code 2019, is  
28 repealed.>

29 24. Page 15, lines 3 and 4, by striking <proper judicial  
30 nominating commission> and inserting <governor>

31 25. Page 15, line 13, by striking <chairperson of the  
32 district judicial nominating commission> and inserting  
33 <governor>

34 26. Page 15, line 22, by striking <chairperson of the  
35 district judicial nominating commission> and inserting

1 <governor>

2 27. Page 17, lines 34 and 35, by striking <chairperson  
3 of the proper district judicial nominating commission. The  
4 chairperson> and inserting <governor. The governor>

5 28. Page 18, by striking line 2 and inserting <governor  
6 fails to do so, the chief justice shall call such>

7 29. Page 18, line 15, after ~~<commission.>~~ by inserting  
8 <Nominees to the office of district associate judge must reside  
9 in the judicial election district to which they are nominated  
10 or in another judicial election district in the same judicial  
11 district as the judicial election district to which they are  
12 nominated.>

13 30. Page 21, lines 10 and 11, by striking <chairperson  
14 of the proper district judicial nominating commission. The  
15 chairperson> and inserting <governor. The governor>

16 31. Page 21, by striking line 13 and inserting <the governor  
17 fails to do so, the chief justice shall call such>

18 32. Page 21, line 26, after ~~<commission.>~~ by inserting  
19 <Nominees to the office of full-time associate juvenile judge  
20 must reside in the judicial election district to which they are  
21 nominated or in another judicial election district in the same  
22 judicial district as the judicial election district to which  
23 they are nominated.>

24 33. Page 24, lines 6 and 7, by striking <chairperson of  
25 the proper district judicial nominating commission. The  
26 chairperson> and inserting <governor. The governor>

27 34. Page 24, by striking line 9 and inserting <the governor  
28 fails to do so, the chief justice shall call such>

29 35. Page 24, line 22, after ~~<commission.>~~ by inserting  
30 <Nominees to the office of full-time associate probate judge  
31 must reside in the judicial election district to which they are  
32 nominated or in another judicial election district in the same  
33 judicial district as the judicial election district to which  
34 they are nominated.>

35 36. By renumbering, redesignating, and correcting internal

1 references as necessary.

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DAN DAWSON