
FISCAL TOPICS

Fiscal Services Division

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Judicial and Magistrate Commissions

Judicial Nominating Commissions — Overview

As part of the judicial selection process, there is a State Judicial Nominating Commission and a District Judicial Nominating Commission for each of the eight judicial districts in the State of Iowa. The following provides an overview of the process and procedures for each commission type.

State Judicial Nominating Commission

The purpose of the State Judicial Nominating Commission is to interview and select nominees for appointment to the Iowa Supreme Court and the Court of Appeals. Within 60 days of notice of a judicial vacancy, the Commission selects three nominees for each appointment to the Supreme Court or the Court of Appeals to submit to the Governor. The Governor then selects one of the nominees from the list to appoint to the vacant position.

The Commission has 17 members; nine of the commissioners are appointed by the Governor and are subject to confirmation by the Senate, and eight of the commissioners are elected by resident members of the bar of each congressional district. The commissioners elect a chairperson from their own number for a two-year term. The chairperson can serve up to three terms as chair of the Commission. No more than a simple majority of commissioners appointed by the Governor shall be of the same gender, and there must be at least one commissioner appointed from each congressional district. The elected Commissioners are elected by attorneys who are licensed in the State of Iowa and are residents of the State. Membership in the Iowa State Bar Association is not required. The resident members of the bar of the State of Iowa are required to elect two eligible electors of different genders to the Commission. The State Court Administrator administers the election.

Commissioners serve staggered six-year terms and may only serve one full six-year term, whether appointed or elected. All commissioners must be appointed or elected without reference to political affiliation and cannot hold an office of the United States or of the State at the time of appointment.

District Judicial Nominating Commission

The purpose of the District Judicial Nominating Commission is to interview and select nominees for appointment to the District Court of a judicial district. The Governor then selects one of the nominees to fill the vacant District Court judge position.

Each District Judicial Nominating Commission is comprised of 10 members. Five of the commissioners are appointed by the Governor and five of the commissioners are elected by eligible resident members of the Iowa bar. Eligible resident members of the bar are licensed attorneys in the State of Iowa and residents of the applicable judicial district. No more than a simple majority of the commissioners appointed can be of the same gender, and there is not to be more than one appointed commissioner from

More Information

Iowa Judicial Branch: www.iowacourts.gov

Iowa Judicial Nominating Commissions: www.iowajnc.gov

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a county within a judicial district unless each county already has an appointed or elected commissioner or the number of appointed commissioners exceeds the number of counties within the judicial district. The term for each appointed or elected commissioner is six years in staggered terms. The chairperson of the Commission is the judge of longest service in the district. If the judges of longest service in the district are of equal service, the eldest of such judges shall be the chairperson.

Judicial Nominating Commissions — Procedure

Judicial Nominating Commission Expenses

Members of the State and District Judicial Nominating Commissions may be reimbursed for actual and necessary expenses incurred in the performance of their duties as commissioners for each day spent attending Commission meetings or training sessions called by the chairperson. Commission expenses are required to be paid from funds appropriated to the Judicial Branch.

Commission Nomination Procedure

When a vacancy occurs or will occur within 120 days in the Supreme Court, the Court of Appeals, or District Court, the State Commissioner of Elections shall notify the Governor. The Governor is required to call a meeting of the applicable Judicial Nominating Commission within 10 days after such notice.

Judgeship nominees are required to be chosen by the affirmative vote of a majority of the full statutory number of commissioners upon the basis of qualification and without regard to political affiliation. Nominees must be members of the Iowa bar and residents of the State or of the district of the court to which they are nominated. In addition, nominees must be of such age that they will be able to serve one initial and one regular term of office before reaching 72 years of age. All appointments to the Supreme Court and Court of Appeals must be made from the nominees of the State Judicial Nominating Commission, and all appointments to the District Court shall be made from the nominees of the District Judicial Nominating Commission. If the Governor does not make an appointment within 30 days after a list of nominees has been submitted, the appointment shall be made from the list of nominees by the Chief Justice of the Supreme Court.

Vacancy and Removal of Commissioners

A vacancy in the office of an appointive judicial nominating commissioner must be filled by appointment by the Governor. An appointive commissioner shall be deemed to have submitted a resignation if the commissioner fails to attend a meeting of the Commission that is properly noticed and at which the Commission conducts interviews or selects nominees for judicial office. The Governor, in her or his discretion, may accept or reject the resignation.

A vacancy in the office of an elective judicial nominating commissioner shall be filled by a special election within the judicial district or congressional district where the vacancy occurs unless the term has less than 90 days remaining, in which case, the office shall remain vacant. The special election shall be completed within 90 days of the vacancy arising.

All commissioners, including those elected by members of the Iowa bar, are subject to removal by the Executive Council of Iowa. When the status of a Commissioner is in question, the Governor shall be the officer responsible for deciding whether a vacancy exists.

Magistrate Appointing Commissions — Overview and Procedure

Every county has a Magistrate Appointing Commission to assist with the selection of District Associate Judges, Associate Juvenile Judges, Associate Probate Judges, and Magistrates. The Commission submits nominees, and the District Judges of the Judicial District select the judge.

Members of the Commission include a District Court Judge appointed by the Chief Judge of the Judicial District, up to three nonlawyer members appointed by the county board of supervisors, and up to two lawyers elected by the resident attorneys in the county. If there are no qualified resident attorneys who

are qualified and willing to serve, none are elected. Members serve a six-year term, and the District Court Judge serves as the chairperson of the Commission.

Members of the Commission are reimbursed for actual and necessary expenses reasonably incurred in the performance of official duties. Reimbursements are payable by the county in which the member serves, upon certification of the expenses to the county auditor by the clerk of the District Court.

History

During the 2019 Legislative Session, [SF 638](#) (FY 2020 Standing Appropriations Act) made several changes relating to the composition and procedures of the State and District Judicial Nominating Commissions. The changes to the State Judicial Nominating Commission included:

- Increasing the number of Governor appointees on the Commission from eight to nine.
- Making changes to the terms of the commissioners and setting term limits.
- Establishing certain requirements regarding the appointment of commissioners.
- Modifying the removal and vacancy procedures.
- Changing the chairperson from the most senior judge of the Supreme Court to a commissioner elected by the Commission.

In addition, changes were made to the voting eligibility requirements for members of the bar to vote in elections of judicial nominating commissioners, as well as the election and notice procedures for both the State and Judicial Nominating Commissions.

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