

March 21, 1963.

Passed on File. *Judiciary - calendar 3/21*

Senate File 402

By JUDICIARY 1.

Passed Senate, Date *3-27-63*

Passed House, Date.....

Vote: Ayes *46* Nays *0*

Vote: Ayes..... Nays.....*1*

Approved..... *4-23-63*

Judiciary 1 3/29

A BILL FOR

An Act relating to judicial nominating commissions, terms of office, judicial elections, mandatory retirement, temporary service by retired judges and residence of supreme court judges.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Appointment of state judicial nominating commis-
 2 sioners. Within fifteen (15) days after the effective date of
 3 this Act, the governor shall appoint, subject to confirmation by
 4 the senate in executive session, one elector of each congression-
 5 al district to the state judicial nominating commission for a
 6 term commencing July 1, 1963. He shall appoint three such com-
 7 missioners to serve until June 30, 1965, two to serve until
 8 June 30, 1967, and two to serve until June 30, 1969. Within
 9 thirty (30) days after the convening of the general assembly
 10 immediately preceding expiration of each of those terms and every
 11 six years thereafter, the governor shall so appoint state judicial
 12 nominating commissioners for six-year terms commencing July 1,
 13 following:

1 Sec. 2. Election of state judicial nominating commissioners.
 2 In June, 1963, the resident members of the bar of each congression-
 3 al district shall elect one elector of such district to the state
 4 judicial nominating commission for a term commencing July 1,
 5 1963. Such elective commissioners shall serve until June 30,
 6 1969, from the three congressional districts where the first
 7 appointive commissioners serve until June 30, 1965; until June 30,

8 1967, from the two congressional districts where the first ap-
9 pointive commissioners serve until June 30, 1969; and until
10 June 30, 1965, from the two congressional districts where the
11 first appointive commissioners serve until June 30, 1967. In
12 January immediately preceding expiration of each of those elec-
13 tive terms and every six years thereafter, such members of the
14 bar of the respective congressional districts shall so elect
15 state judicial nominating commissioners for six-year terms com-
16 mencing July 1 following:

1 Sec. 3. Appointment of district judicial nominating commis-
2 sioners. In June 1963, the governor shall appoint five electors
3 of each judicial district to the district judicial nominating
4 commission for terms commencing July 1, 1963. He shall appoint
5 two such commissioners to serve until June 30, 1965, two to
6 serve until June 30, 1967, and one to serve until June 30, 1969.
7 Upon the expiration of each of those terms and every six years
8 thereafter, the governor shall so appoint district judicial nomi-
9 nating commissioners for six-year terms.

1 Sec. 4. Election of district judicial nominating commission-
2 ers. In June, 1963, the resident members of the bar of each ju-
3 dicial district shall elect five electors of the district to the
4 district judicial nominating commission for terms commencing
5 July 1, 1963. One of such commissioners shall serve until
6 June 30, 1965, two until June 30, 1967, and two until June 30,
7 1969, as determined by lot by such commissioners. In January
8 next before expiration of each of those terms and every six years
9 thereafter, such members of the bar of the respective judicial
10 districts shall so elect district judicial nominating commis-
11 sioners for six-year terms commencing July 1 following.

1 Sec. 5. Vacancies. Vacancies in the office of judicial
2 nominating commissioner occurring during a term shall be filled
3 by appointment or election as the case may be for the unexpired
4 portion of the term, provided that no vacancy shall be filled
5 where the term has less than ninety (90) days to run. The ap-
6 pointment or election shall be made or held within sixty (60)
7 days after occurrence of the vacancy.

8 The term of state judicial nominating commissioners so ap-
9 pointed shall commence upon appointment pending confirmation
10 by the senate at the then session of the general assembly or at
11 its next session if it is not then in session. The term of dis-
12 trict judicial nominating commissioners so appointed shall com-
13 mence upon appointment. The term of judicial nominating com-
14 missioners so elected shall commence ten (10) days after elec-
15 tion.

16 If there shall be a vacancy in the office of chairman of a
17 commission, or in his absence, the members of the commission
18 shall select a temporary chairman from their own number.

1 Sec. 6. Equal seniority. If the judges of longest service
2 (other than the chief justice) of the supreme court or of the
3 district court in a district are of equal service, the eldest
4 of such judges shall be chairman of the particular judicial nomi-
5 nating commission.

1 Sec. 7. Eligibility to vote. To be eligible to vote in elec-
2 tions of judicial nominating commissioners, a member of the bar
3 must have registered in writing with the clerk of the district
4 court of the county of his residence at the last bar registration
5 preceding such election. A judge who has been admitted to the
6 bar of the state of Iowa shall be considered a member of the bar.

30 ord of admissions whether the individuals so certified are mem-
31 bers of the bar of the state of Iowa and shall delete from the
32 certified list any who are not.

1 Sec. 9. Conduct of elections. When an election of judicial
2 nominating commissioners is to be held, the clerk of the supreme
3 court shall cause ballots to be mailed in accordance with the
4 current certified list of resident members of the bar to such
5 members of the proper districts, substantially as follows:

6 Iowa State (or Iowa Judicial District)

7 Judicial Nominating Commission

8 **BALLOT**

9 To be cast by the resident members of the bar of the
10 Congressional (or Judicial) District of Iowa.

11 Vote for (state number) for Iowa State (or Iowa Judicial
12 District) judicial nominating commissioner(s) for term commencing
13

- 14 JOHN DOE
- 15 RICHARD ROE
- 16
- 17

18 To be counted, this ballot must be completed and mailed or
19 delivered to Clerk of the Supreme Court of Iowa, Des Moines,
20 Iowa, not later than June 30, 19... (Specifying the year).

21 **DESTROY BALLOT IF NOT USED**

22 The elector receiving the most votes shall be elected. When
23 more than one commissioner is to be elected, the electors re-
24 ceiving the most votes shall be elected, in the same number as
25 the offices to be filled.

26 The ballot must be completed and mailed or delivered to the

27 clerk of the supreme court prior to expiration of the period
28 within which the election must be held.

29 The ballots shall be counted under the direction of the clerk
30 of the supreme court.

1 Sec. 10. Nomination of elective nominating commissioners. In
2 order to have his name printed on the ballot for state or district
3 judicial nominating commissioner, an elector must file in the
4 office of the clerk of the supreme court at least thirty (30)
5 days prior to expiration of the period within which the elec-
6 tion must be held a nominating petition signed by at least fifty
7 (50) resident members of the bar of the congressional district in
8 case of a candidate for state judicial nominating commissioner,
9 or at least ten (10) resident members of the bar of the judicial
10 district in case of a candidate for district judicial nominating
11 commissioner. No member of the bar may sign more nominating peti-
12 tions for state or district judicial nominating commissioner than
13 there are such commissioners to be elected.

14 Ballots for state and district judicial nominating commission-
15 ers shall contain blank lines equal to the number of such com-
16 missioners to be elected, where names may be written in.

1 Sec. 11. Certification of commissioners. The governor and the
2 clerk of the supreme court respectively shall promptly certify
3 the names and addresses of appointive and elective judicial nomi-
4 nating commissioners to the secretary of state and the chairmen
5 of the respective nominating commissions.

1 Sec. 12. Notification of vacancy. When a vacancy occurs or
2 will occur within sixty (60) days in the supreme court or district
3 court, the secretary of state shall forthwith so notify the chair-
4 man of the proper judicial nominating commission. The chairman

5 shall call a meeting of the commission within ten days after such
6 notice; if he fails to do so, the chief justice shall call such
7 meeting.

1 Sec. 13. Notice of meetings. The chairman of each judicial
2 nominating commission shall give the members of the commission
3 at least five days' written notice by mail of the time and place
4 of every meeting, except as to members who execute written waivers
5 of notice at or before the meeting or unless the commission at
6 its next previous meeting designated the time and place of the
7 meeting.

1 Sec. 14. Nomination. Each judicial nominating commission
2 shall carefully consider the individuals available for judge,
3 and within sixty (60) days after receiving notice of a vacancy
4 shall certify to the governor and the chief justice the proper
5 number of nominees, in alphabetical order. Such nominees shall
6 be chosen by the affirmative vote of a majority of the full
7 statutory number of commissioners upon the basis of their quali-
8 fications and without regard to political affiliation. Nominees
9 shall be members of the bar of Iowa, shall be residents of the
10 state or district of the court to which they are nominated, and
11 shall be of such age that they will be able to serve an initial
12 and one regular term of office to which they are nominated be-
13 fore reaching the mandatory retirement age. No person shall be
14 eligible for nomination by a commission as judge during the term
15 for which he was elected or appointed to that commission. Ab-
16 sence of a commissioner or vacancy upon the commission shall not
17 invalidate a nomination.

1 Sec. 15. Effective date as to appointments. After June 30,
2 1968, all appointments to the supreme court and district court

3 shall be made from the nominees of the respective judicial nomi-
4 nating commissions.

1 Sec. 16. Terms of judges. Subject to the provisions of
2 section twenty-six (26) hereof and to removal for cause:

3 1. The initial term of office of judges of the supreme court
4 elected in 1960 shall be until January 1, 1967;

5 2. The initial term of office of all judges of the supreme
6 court and district court elected or appointed prior to the
7 official canvass of the votes on the ratification of the judicial
8 amendment to the Constitution of the State of Iowa of 1962, shall
9 be until July 1, 1965;

10 3. The initial term of office of all other judges of the
11 supreme court and district court in office on June 30, 1963,
12 shall be until January 1, 1965;

13 4. The initial term of office of judges of the supreme court
14 and district court appointed after June 30, 1963, shall be for
15 one year after appointment and until January 1 following the next
16 judicial election after expiration of such year; and

17 5. The regular term of office of judges of the supreme court
18 retained at a judicial election shall be eight years, and of
19 judges of the district court so retained shall be six years, from
20 the expiration of their initial or previous regular term as the
21 case may be.

1 Sec. 17. Time of judicial election. Judicial elections shall
2 be held at the time of the general election.

1 Sec. 18. Eligibility of voters. Electors entitled to vote at
2 the general election shall be entitled to vote at the judicial
3 election.

1 Sec. 19. Poll books. The poll books used for the general
 2 election shall also constitute the poll books for the judicial
 3 election.

1 Sec. 20. Declaration of candidacy. At least ninety (90) days
 2 prior to the judicial election preceding expiration of his initial
 3 or regular term of office, a judge of the supreme court or dis-
 4 trict court may file a declaration of candidacy with the secre-
 5 tary of state, whereupon such judge shall stand for retention or
 6 rejection at that election. If a judge fails to file such declar-
 7 ation, his office shall be vacant at the end of his term.

1 Sec. 21. Conduct of election. At least sixty (60) days prior
 2 to each judicial election, the secretary of state shall certify
 3 to the county auditor of each county a list of the judges of the
 4 supreme court and district court to be voted on in such county
 5 at that election. The auditor shall place the names upon the
 6 ballot in the order in which they appear in the certificate, un-
 7 less only one county is voting thereon. The secretary of state
 8 shall rotate the names in the certificate by county, or the audi-
 9 tor shall rotate them upon the ballot by precinct if only one
 10 county is voting thereon. The names of all judges to be voted
 11 on shall be placed upon one ballot, which shall be in substantial-
 12 ly the following form:

13 STATE OF IOWA

14 JUDICIAL BALLOT

15 (Date)

16 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRI-
 17 ATE BOX AFTER
 EACH NAME.

18 SUPREME COURT

19 Shall the following judges of the Supreme Court be retained in
20 office?

21 JOHN DOE YES NO

22 RICHARD ROE YES NO

23 DISTRICT COURT

24 Shall the following judge of the District Court be retained in
25 office?

26 JOHN SMITH YES NO

1 Sec. 22. Voting. Voting at judicial elections shall be by
2 separate paper ballot or by voting machine in the space provided
3 for public measures. If paper ballots are used the election
4 judges shall offer a ballot to each voter.

1 Sec. 23. General election and absent voter laws. So far as
2 applicable general election and absent voter laws shall apply to
3 judicial elections. An application for an absent voter ballot
4 for a general election shall also constitute an application for
5 an absent voter ballot for a judicial election to be held at the
6 same time, and the ballots shall be mailed or delivered to the
7 voter together.

1 Sec. 24. Results of election. A judge of the supreme court
2 or district court must receive more affirmative than negative
3 votes to be retained in office. When the poll is closed, the
4 election judges shall publicly canvass the vote forthwith. The
5 board of supervisors shall canvass the returns at its meeting
6 on Monday after the election, and shall promptly certify the
7 number of affirmative and negative votes on each judge to the
8 secretary of state.

1 Sec. 25. Section six hundred five A point three (605A.3),

2 Code 1962, is amended by adding at the end thereof the following:

3 “; except that any judge who was a member of the supreme or
4 district courts on July 1, 1962, may, in any event, give such
5 notice on or before July 1, 1964.”

1 Sec. 26. Chapter six hundred five (605), Code 1962, is
2 amended by adding the following new sections:

3 A. “Mandatory retirement. All judges of the supreme court
4 or district court who shall have reached the mandatory retire-
5 ment age, shall cease to hold office. The mandatory retirement
6 age shall be seventy-two (72) years; provided, however, that
7 this section shall not be effective until July 1, 1965.”

8 B. “Temporary service by retired judges. Judges of the
9 supreme court and district court who are hereafter retired by
10 reason of age, or who are drawing benefits under section six
11 hundred five A point six (605A.6) of the Code, may with their
12 consent be assigned by the supreme court to temporary judicial
13 duties on any court in the state other than the supreme court.
14 No such judge shall engage in the practice of law unless he shall
15 file with the clerk of the supreme court an election to practice
16 law, in which event he shall thereafter be ineligible for assign-
17 ment to temporary judicial duties at any time. While serving
18 under temporary assignment as herein provided, a retired judge
19 shall receive the compensation and actual expense provided by
20 law for judges on the court to which he is assigned, but shall
21 not receive any annuity payments to which he may be entitled
22 under the judicial retirement system. He may be authorized in
23 the order of assignment to appoint a temporary reporter, who
24 shall receive the compensation and actual expense provided by
25 law for a regular reporter in the court to which the judge is

26 assigned. The order of assignment shall be filed in the offices
27 of the clerks of court at the places where the judge is to
28 serve."

1 Sec. 27. Residence and office of supreme court judges. After
2 January 1, 1964, all judges of the supreme court shall reside in
3 and maintain their offices in Polk county, Iowa.

1 Sec. 28. Severability clause. If any provision of this Act
2 or the application thereof to any person or circumstances is held
3 invalid, the invalidity shall not affect other provisions or
4 applications of the Act which can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

1 Sec. 29. Publication clause. This Act being deemed of im-
2 mediate importance shall be in full force and effect from and
3 after its publication in a news-
4 paper published at, Iowa, and in
5, a newspaper published at Iowa.

SENATE FILE 402

- 1 Amend Senate File 402 as follows:
- 2 1. Insert after the word "years" in section 26, line 6
- 3 the following: "if such judges have had six (6) years of
- 4 service on said courts otherwise they may remain in office
- 5 until they have completed six (6) years of service subject,
- 6 however, to the provisions of this Act".
- 7 2. Strike all of lines 1, 2 and 3 of section 27 and
- 8 insert in lieu thereof the following: "Residence and
- 9 office of supreme court judges. All judges of the supreme
- 10 court shall, after January 1, 1968, be required to maintain
- 11 their residence and office in Polk County, Iowa, provided
- 12 further, however, all such judges appointed after the
- 13 effective date of this Act shall be required to maintain
- 14 their residence and office in Polk County, Iowa, upon their
- 15 appointment. The executive council shall provide suitable
- 16 offices for such judges."

*Filed 3/25
Nolan & Shaff
Dis. 1
adopted 3/27*

*vote on adoption
over 78 days 10
adopted 3/27
as amended*

Filed
March 25, 1968.

By NOLAN and SHAFF.

SENATE FILE 402

- 1 Amend Senate File 402, section 9, by striking
- 2 line 20 and inserting in lieu thereof the following:
- 3 "Iowa, not later than January 31, 19.....
- 4 (specifying June 30, 1963, the first year, or the appropriate
- 5 date under Section 5 in case of an election to fill a vacancy)."

Filed
March 26, 1963.

adopted 3/27

By NOLAN.

SENATE FILE 402

- 1 Amend Senate File 402 as follows:
- 2 1. Amend section 26 by striking in line 5 the words "cease
- 3 to hold office" and substituting in lieu thereof "be retired
- 4 except as hereinafter provided."
- 5 2. By adding the following as a new paragraph after the
- 6 figures "1965." in line 1 of section 26. "Upon retirement
- 7 of any district judge, the office from which he is retired
- 8 shall not be vacant for a period of five years thereafter
- 9 unless the chief justice shall certify in writing to the
- 10 governor that the judicial business in the district courts
- 11 of this state requires that the office be filled for the
- 12 effective administration of justice throughout the state and
- 13 in the district affected. Active and retired judges shall
- 14 be freely assigned by the chief justice for service in the
- 15 various districts so to as near as possible equalize the
- 16 work of all judges and promote the effective adminis-
- 17 tration of justice and prompt dispatch of the judicial
- 18 business throughout all districts and areas in the state.
- 19 He shall report biennially to the legislature or to any
- 20 committee created by it, respecting such measures as in his
- 21 opinion are needed for the effective administration of
- 22 justice in the district courts, the re-arrangement of the
- 23 judicial districts, the number of judges required in the
- 24 various districts and such other matters as he may deem
- 25 important to effect the purposes aforesaid."
- 26 3. Amend section 26 by striking lines 8 to 28 and substitu-
- 27 ting in lieu thereof the following:
- 28 "B. Temporary service by retired judges. A judge of
- 29 the supreme or district court who shall have reached retire-
- 30 ment age shall thereafter during good behavior continue to
- 31 be a judicial officer of the state and of the court from
- 32 which he is retired. Said judge shall not hold any public
- 33 office, except as may be authorized by law, practice law,
- 34 or engage in any business or profession incompatible with
- 35 the office of judge. He shall not exercise any of the
- 36 powers of office except that he may be designated by the
- 37 supreme court or the chief justice thereof to execute the
- 38 powers of the office from which he has been retired at such
- 39 times as the business of the courts of this state shall
- 40 require. When so designated he shall receive such compen-
- 41 sation which together with any retirement annuity or
- 42 compensation he is entitled to receive under the laws of this
- 43 state shall equal the compensation of an active judge of the
- 44 court to which he is assigned including such allowance for
- 45 expense and transportation as is allowable for judges of said
- 46 court. He may be authorized in the same manner to appoint a
- 47 temporary court reporter who shall receive compensation, travel
- 48 and expense allowances provided by law for a court reporter in
- 49 the court and county to which said judge is assigned. The
- 50 designation of a retired judge and his assignment to execute
- 51 the powers of an active judge shall be filed in the office of
- 52 the clerk in the county in which said judge is designated and
- 53 assigned to serve."

*filed 3/26
Turner*

lost 3/27

- 54 4. Amend section 27 by adding thereto the following sentence: "Each
- 55 justice of the Iowa supreme court is authorized to
- 56 employ the services of a law clerk."
- 57 5. Amend the title by striking the period at the end there-
- 58 of and add thereto the following: ", and to provide law
- 59 clerks."

Filed
March 26, 1963.

*aye 11
nay 32
lost 3/27*

By TURNER.

SENATE FILE 402

filed 3/26 Shaff

adopted 3/27

- 1 Amend Senate File 402 as follows:
- 2 1. By adding at the end of section 18 the following: "All voting
- 3 procedures provided by chapter fifty-three (53), Code 1962, for
- 4 absent voting by armed forces in general elections shall be
- 5 applicable to judicial elections."
- 6 2. Section 21, line 1, by striking "sixty (60)" and inserting in
- 7 lieu thereof the following: "fifty-five (55)".
- 8 3. By adding at the end of section 22 the following: "Separate
- 9 ballot boxes for the general election ballots and the judicial election
- 10 ballots shall not be required."
- 11 4. By adding at the end of section 23 the following: "The sealed
- 12 envelope transmitted by the absent voter to the auditor containing
- 13 the absent voter general election ballot may also contain the judicial
- 14 election ballot."
- 15 5. By adding the following new paragraph at the end of section 24:
- 16 "The state board of canvassers shall, at the time of canvassing
- 17 the vote cast at a general election, open and canvass all of the
- 18 returns for the judicial election. Each judge of the supreme court
- 19 or district court who has received more affirmative than negative
- 20 votes shall receive from the state board of canvassers an appropriate
- 21 certificate so stating."

adopted 3/27

adopted 3/27

adopted 3/27

filed 3/26 Shaff

Filed
March 26, 1963.

By SHAFF.

SENATE FILE 402

- 1 Amend the Shaff amendment to Senate File 402 filed March 26, 1963,
- 2 line 10, by inserting after the word and period "required." the
- 3 following: "The general election ballot and the judicial election
- 4 ballot may be voted in the same voting booth."

Filed
March 26, 1963.

adopted 3/27

By RIGLER.

SENATE FILE 402

- 1 Amend division 2 of the Nolan and Shaff amendment of
- 2 March 25, 1963, to Senate File 402, as follows:
- 3 By striking all after "Iowa," in line 5 and inserting
- 4 in lieu thereof ". The executive council shall provide suit-
- 5 able offices for such judges."

Filed and adopted ✓
March 27, 1963.

By SCHROEDER.

SENATE FILE 402

- 1 Amend Senate File 402, section 29, by striking all of lines
- 2 3, 4 and 5 and inserting in lieu thereof the following: "after its
- 3 publication in the Iowa City Press-Citizen, a newspaper published
- 4 at Iowa City, Iowa, and in The North English Record, a newspaper
- 5 published at North English, Iowa."

Filed and adopted ✓
March 27, 1963.

By NOLAN.

SENATE FILE 402

- 1 Amend Senate File 402 by striking all of section 27
- 2 and by renumbering the remaining sections.

Filed and withdrawn
March 27, 1963.

By WALKER.

March 27, 1963.

Senate File 402

By JUDICIARY 1.
(As Passed by the Senate.)

*Amended by House
Concurred by Senate*
Passed Senate, Date 4-15-63

Passed House, Date 4-11-63

Vote: Ayes 47 Nays 0

Vote: Ayes 101 Nays 0

Approved 4-23-63

*Judiciary 1 3/29
Passed amended 4/4
amended by House
amended by Senate
Concurred by House
Vote - 84/15
Ayes 94 Nays 0*

A BILL FOR

An Act relating to judicial nominating commissions, terms of office, judicial elections, mandatory retirement, temporary service by retired judges and residence of supreme court judges.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Appointment of state judicial nominating commis-
2 sioners. Within fifteen (15) days after the effective date of
3 this Act, the governor shall appoint, subject to confirmation by
4 the senate in executive session, one elector of each congression-
5 al district to the state judicial nominating commission for a
6 term commencing July 1, 1963. He shall appoint three such com-
7 missioners to serve until June 30, 1965, two to serve until
8 June 30, 1967, and two to serve until June 30, 1969. Within
9 thirty (30) days after the convening of the general assembly
10 immediately preceding expiration of each of those terms and every
11 six years thereafter, the governor shall so appoint state judicial
12 nominating commissioners for six-year terms commencing July 1,
13 following.

1 Sec. 2. Election of state judicial nominating commissioners.
2 In June, 1963, the resident members of the bar of each congression-
3 al district shall elect one elector of such district to the state
4 judicial nominating commission for a term commencing July 1,
5 1963. Such elective commissioners shall serve until June 30,
6 1969, from the three congressional districts where the first
7 appointive commissioners serve until June 30, 1965; until June 30,

8 1967, from the two congressional districts where the first ap-
9 pointive commissioners serve until June 30, 1969; and until
10 June 30, 1965, from the two congressional districts where the
11 first appointive commissioners serve until June 30, 1967. In
12 January immediately preceding expiration of each of those elec-
13 tive terms and every six years thereafter, such members of the
14 bar of the respective congressional districts shall so elect
15 state judicial nominating commissioners for six-year terms com-
16 mencing July 1 following.

1 Sec. 3. Appointment of district judicial nominating commis-
2 sioners. In June 1963, the governor shall appoint five electors
3 of each judicial district to the district judicial nominating
4 commission for terms commencing July 1, 1963. He shall appoint
5 two such commissioners to serve until June 30, 1965, two to
6 serve until June 30, 1967, and one to serve until June 30, 1969.
7 Upon the expiration of each of those terms and every six years
8 thereafter, the governor shall so appoint district judicial nomi-
9 nating commissioners for six-year terms.

1 Sec. 4. Election of district judicial nominating commission-
2 ers. In June, 1963, the resident members of the bar of each ju-
3 dicial district shall elect five electors of the district to the
4 district judicial nominating commission for terms commencing
5 July 1, 1963. One of such commissioners shall serve until
6 June 30, 1965, two until June 30, 1967, and two until June 30,
7 1969, as determined by lot by such commissioners. In January
8 next before expiration of each of those terms and every six years
9 thereafter, such members of the bar of the respective judicial
10 districts shall so elect district judicial nominating commis-
11 sioners for six-year terms commencing July 1 following.

1 Sec. 5. Vacancies. Vacancies in the office of judicial
2 nominating commissioner occurring during a term shall be filled
3 by appointment or election as the case may be for the unexpired
4 portion of the term, provided that no vacancy shall be filled
5 where the term has less than ninety (90) days to run. The ap-
6 pointment or election shall be made or held within sixty (60)
7 days after occurrence of the vacancy.

8 The term of state judicial nominating commissioners so ap-
9 pointed shall commence upon appointment pending confirmation
10 by the senate at the then session of the general assembly or at
11 its next session if it is not then in session. The term of dis-
12 trict judicial nominating commissioners so appointed shall com-
13 mence upon appointment. The term of judicial nominating com-
14 missioners so elected shall commence ten (10) days after elec-
15 tion.

16 If there shall be a vacancy in the office of chairman of a
17 commission, or in his absence, the members of the commission
18 shall select a temporary chairman from their own number.

1 Sec. 6. Equal seniority. If the judges of longest service
2 (other than the chief justice) of the supreme court or of the
3 district court in a district are of equal service, the eldest
4 of such judges shall be chairman of the particular judicial nomi-
5 nating commission.

1 Sec. 7. Eligibility to vote. To be eligible to vote in elec-
2 tions of judicial nominating commissioners, a member of the bar
3 must have registered in writing with the clerk of the district
4 court of the county of his residence at the last bar registration
5 preceding such election. A judge who has been admitted to the
6 bar of the state of Iowa shall be considered a member of the bar.

1 Sec. 8. Bar registration. A book known as the bar register
2 shall be maintained in each county in the office of the clerk of
3 the district court. Where there are two county seats in a county,
4 the bar register shall be maintained at the more populous county
5 seat. In the first week of May, 1963, and every two years there-
6 after, the clerk of the supreme court shall by mail direct each
7 clerk of the district court maintaining a bar register to publish
8 and post the notice hereafter prescribed, but failure of such
9 a clerk of the district court to give the notice shall not in-
10 validate an election of judicial nominating commissioners there-
11 after held. In May, 1963, and every two years thereafter, each
12 such clerk of the district court shall post in his office and
13 publish once in an official newspaper in his county a notice sub-
14 stantially as follows:

15 NOTICE TO THE BAR

16 County, Iowa

17 Each member of the bar of the State of Iowa residing in this
18 county is notified to register in writing his name, address, and
19 year of admission to the Iowa bar, in the office of the under-
20 signed in May, 19...., (specifying 1963 the first year) to be
21 eligible to vote in elections of judicial nominating commis-
22 sioners.

23 (Name of Clerk)

24 Clerk of District Court

25 On June 1, 1963, and every two years thereafter, each such clerk
26 of the district court shall certify to the clerk of the supreme
27 court the names, addresses, and years of admission of the mem-
28 bers of the bar who registered during the preceding month. The
29 clerk of the supreme court shall promptly ascertain from his rec-

30 ord of admissions whether the individuals so certified are mem-
31 bers of the bar of the state of Iowa and shall delete from the
32 certified list any who are not.

1 Sec. 9. Conduct of elections. When an election of judicial
2 nominating commissioners is to be held, the clerk of the supreme
3 court shall cause ballots to be mailed in accordance with the
4 current certified list of resident members of the bar to such
5 members of the proper districts, substantially as follows:

6 Iowa State (or Iowa Judicial District)

7 Judicial Nominating Commission

8 **BALLOT**

9 To be cast by the resident members of the bar of the
10 Congressional (or Judicial) District of Iowa.

11 Vote for (state number) for Iowa State (or Iowa Judicial
12 District) judicial nominating commissioner(s) for term commencing
13

- 14 JOHN DOE
- 15 RICHARD ROE
- 16
- 17

18 To be counted, this ballot must be completed and mailed or
19 delivered to Clerk of the Supreme Court of Iowa, Des Moines,
20 Iowa, not later than January 31, 19... (specifying June 30, 1963,
21 the first year, or the appropriate date under section five (5) in
22 case of an election to fill vacancy).

23 **DESTROY BALLOT IF NOT USED**

24 The elector receiving the most votes shall be elected. When
25 more than one commissioner is to be elected, the electors re-
26 ceiving the most votes shall be elected, in the same number as

27 the offices to be filled.

28 The ballot must be completed and mailed or delivered to the
29 clerk of the supreme court prior to expiration of the period
30 within which the election must be held.

31 The ballots shall be counted under the direction of the clerk
32 of the supreme court.

1 Sec. 10. Nomination of elective nominating commissioners. In
2 order to have his name printed on the ballot for state or district
3 judicial nominating commissioner, an elector must file in the
4 office of the clerk of the supreme court at least thirty (30)
5 days prior to expiration of the period within which the elec-
6 tion must be held a nominating petition signed by at least fifty
7 (50) resident members of the bar of the congressional district in
8 case of a candidate for state judicial nominating commissioner,
9 or at least ten (10) resident members of the bar of the judicial
10 district in case of a candidate for district judicial nominating
11 commissioner. No member of the bar may sign more nominating peti-
12 tions for state or district judicial nominating commissioner than
13 there are such commissioners to be elected.

14 Ballots for state and district judicial nominating commission-
15 ers shall contain blank lines equal to the number of such com-
16 missioners to be elected, where names may be written in.

1 Sec. 11. Certification of commissioners. The governor and the
2 clerk of the supreme court respectively shall promptly certify
3 the names and addresses of appointive and elective judicial nomi-
4 nating commissioners to the secretary of state and the chairmen
5 of the respective nominating commissions.

1 Sec. 12. Notification of vacancy. When a vacancy occurs or
2 will occur within sixty (60) days in the supreme court or district

3 court, the secretary of state shall forthwith so notify the chair-
4 man of the proper judicial nominating commission. The chairman
5 shall call a meeting of the commission within ten days after such
6 notice; if he fails to do so, the chief justice shall call such
7 meeting.

1 Sec. 13. Notice of meetings. The chairman of each judicial
2 nominating commission shall give the members of the commission
3 at least five days' written notice by mail of the time and place
4 of every meeting, except as to members who execute written waivers
5 of notice at or before the meeting or unless the commission at
6 its next previous meeting designated the time and place of the
7 meeting.

1 Sec. 14. Nomination. Each judicial nominating commission
2 shall carefully consider the individuals available for judge,
3 and within sixty (60) days after receiving notice of a vacancy
4 shall certify to the governor and the chief justice the proper
5 number of nominees, in alphabetical order. Such nominees shall
6 be chosen by the affirmative vote of a majority of the full
7 statutory number of commissioners upon the basis of their quali-
8 fications and without regard to political affiliation. Nominees
9 shall be members of the bar of Iowa, shall be residents of the
10 state or district of the court to which they are nominated, and
11 shall be of such age that they will be able to serve an initial
12 and one regular term of office to which they are nominated be-
13 fore reaching the mandatory retirement age. No person shall be
14 eligible for nomination by a commission as judge during the term
15 for which he was elected or appointed to that commission. Ab-
16 sence of a commissioner or vacancy upon the commission shall not
17 invalidate a nomination.

1 Sec. 15. Effective date as to appointments. After June 30,
2 1963, all appointments to the supreme court and district court
3 shall be made from the nominees of the respective judicial nomi-
4 nating commissions.

1 Sec. 16. Terms of judges. Subject to the provisions of
2 section twenty-six (26) hereof and to removal for cause:

3 1. The initial term of office of judges of the supreme court
4 elected in 1960 shall be until January 1, 1967;

5 2. The initial term of office of all judges of the supreme
6 court and district court elected or appointed prior to the
7 official canvass of the votes on the ratification of the judicial
8 amendment to the Constitution of the State of Iowa of 1962, shall
9 be until July 1, 1965;

10 3. The initial term of office of all other judges of the
11 supreme court and district court in office on June 30, 1963,
12 shall be until January 1, 1965;

13 4. The initial term of office of judges of the supreme court
14 and district court appointed after June 30, 1963, shall be for
15 one year after appointment and until January 1 following the next
16 judicial election after expiration of such year; and

17 5. The regular term of office of judges of the supreme court
18 retained at a judicial election shall be eight years, and of
19 judges of the district court so retained shall be six years, from
20 the expiration of their initial or previous regular term as the
21 case may be.

1 Sec. 17. Time of judicial election. Judicial elections shall
2 be held at the time of the general election.

1 Sec. 18. Eligibility of voters. Electors entitled to vote at
2 the general election shall be entitled to vote at the judicial

3 election. All voting procedures provided by chapter fifty-three (53),
4 Code 1962, for absent voting by armed forces in general elections shall
5 be applicable to judicial elections.

1 Sec. 19. Poll books. The poll books used for the general
2 election shall also constitute the poll books for the judicial
3 election.

1 Sec. 20. Declaration of candidacy. At least ninety (90) days
2 prior to the judicial election preceding expiration of his initial
3 or regular term of office, a judge of the supreme court or dis-
4 trict court may file a declaration of candidacy with the secre-
5 tary of state, whereupon such judge shall stand for retention or
6 rejection at that election. If a judge fails to file such declar-
7 ation, his office shall be vacant at the end of his term.

1 Sec. 21. Conduct of election. At least fifty-five (55) days prior
2 to each judicial election, the secretary of state shall certify
3 to the county auditor of each county a list of the judges of the
4 supreme court and district court to be voted on in such county
5 at that election. The auditor shall place the names upon the
6 ballot in the order in which they appear in the certificate, un-
7 less only one county is voting thereon. The secretary of state
8 shall rotate the names in the certificate by county, or the audi-
9 tor shall rotate them upon the ballot by precinct if only one
10 county is voting thereon. The names of all judges to be voted
11 on shall be placed upon one ballot, which shall be in substantial-
12 ly the following form:

13 STATE OF IOWA

14 JUDICIAL BALLOT

15 (Date)

16 VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRI-
 17 EACH NAME. ATE BOX AFTER

18 SUPREME COURT

19 Shall the following judges of the Supreme Court be retained in
 20 office?

21 JOHN DOE YES NO

22 RICHARD ROE YES NO

23 DISTRICT COURT

24 Shall the following judge of the District Court be retained in
 25 office?

26 JOHN SMITH YES NO

1 Sec. 22. Voting. Voting at judicial elections shall be by
 2 separate paper ballot or by voting machine in the space provided
 3 for public measures. If paper ballots are used the election
 4 judges shall offer a ballot to each voter. Separate ballot boxes for
 5 the general election ballots and the judicial election ballots shall not
 6 be required. The general election ballot and the judicial election
 7 ballot may be voted in the same voting booth.

1 Sec. 23. General election and absent voter laws. So far as
 2 applicable general election and absent voter laws shall apply to
 3 judicial elections. An application for an absent voter ballot
 4 for a general election shall also constitute an application for
 5 an absent voter ballot for a judicial election to be held at the
 6 same time, and the ballots shall be mailed or delivered to the
 7 voter together. The sealed envelope transmitted by the absent
 8 voter to the auditor containing the absent voter general election
 9 ballot may also contain the judicial election ballot.

1 Sec. 24. Results of election. A judge of the supreme court
 2 or district court must receive more affirmative than negative

3 votes to be retained in office. When the poll is closed, the
4 election judges shall publicly canvass the vote forthwith. The
5 board of supervisors shall canvass the returns at its meeting
6 on Monday after the election, and shall promptly certify the
7 number of affirmative and negative votes on each judge to the
8 secretary of state.

9 The state board of canvassers shall, at the time of canvassing
10 the vote cast at a general election, open and canvass all of the returns
11 for the judicial election. Each judge of the supreme court or district
12 court who has received more affirmative than negative votes shall
13 receive from the state board of canvassers an appropriate certificate
14 so stating.

1 Sec. 25. Section six hundred five A point three (605A.3),
2 Code 1962, is amended by adding at the end thereof the following:

3 “; except that any judge who was a member of the supreme or
4 district courts on July 1, 1962, may, in any event, give such
5 notice on or before July 1, 1964.”

1 Sec. 26. Chapter six hundred five (605), Code 1962, is
2 amended by adding the following new sections:

3 A. “Mandatory retirement. All judges of the supreme court
4 or district court who shall have reached the mandatory retire-
5 ment age, shall cease to hold office. The mandatory retirement
6 age shall be seventy-two (72) years if such judges have had six (6)
7 years of service on said courts otherwise they may remain in office
8 until they have completed six (6) years of service subject, however,
9 to the provisions of this Act; provided, however, that
10 this section shall not be effective until July 1, 1965.”

11 B. “Temporary service by retired judges. Judges of the
12 supreme court and district court who are hereafter retired by

SENATE FILE 402

- 1 Amend Senate File 402, section 26, by striking all of line
- 2 six (6) after the word "years" and all of lines seven (7)
- 3 through ten (10) and inserting in lieu thereof the following:
- 4 "for all judges of the supreme court or district court holding
- 5 office on the effective date of this Act. The mandatory re-
- 6 tirement age shall be seventy-two (72) years for all judges of
- 7 the supreme court or district court appointed to office after
- 8 the effective date of this Act. This section shall not be
- 9 effective until July 1, 1965."

*Note 4/11
ages 87
page 12*

adopted 4/11

Filed and adopted
April 11, 1963.

*Senate
concluded 4/15*

STANLEY of Muscatine.
CARSTENSEN of Clinton.
SWISHER of Johnson.
MENSING of Cedar.
:OODE of Davis.
EVELAND of Boone.

SENATE FILE 402

- 1 Amend the House amendment to Senate File 402, division 3, by
- 2 striking all after the colon (:) in line 2, and all of lines 3 and 4 and
- 3 inserting in lieu thereof the following: "Office of supreme court
- 4 judges. All judges of the supreme court shall, after January 1, 1968,
- 5 be required to be in attendance and maintain offices at the seat of
- 6 government. The executive council shall provide suitable offices
- 7 at the seat of government for such judges."

*Note 4/15
ages 37
page 9*

Filed
April 11, 1963.

Adopted 4/15

By NOLAN and SCHROEDER.

*House
concluded 4/15*