

Reprinted 3/13/86

# REPRINTED

MAR 5 1986  
Place On Calendar

HOUSE FILE 2402  
BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(Formerly House Study Bill 633)

Passed House, Date 3-11-86 (p.660) Passed Senate, Date 4-7-86 (p.1074)  
Vote: Ayes 98 Nays 0 Vote: Ayes 44 Nays 0  
Approved April 21, 1986 (p.1606)

## A BILL FOR

- 1 An Act relating to the election of judicial nominating
- 2 commissioners and county magistrate appointing commissioners.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2402

H-5290

- 1 Amend House File 2402 as follows:
- 2 1. Page 1, line 11, by striking the words
- 3 "supreme court" and inserting the following: "clerk
- 4 of the supreme court, for the purpose of establishing
- 5 eligibility to vote under this section,".

H-5290 FILED MARCH 10, 1986 BY CHAPMAN of Linn  
*Adopted 3/11 (p.660)*

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HF 2402

1 Section 1. Section 46.7, Code 1985, is amended to read as  
2 follows:

3 46.7 ELIGIBILITY TO VOTE.

4 To be eligible to vote in elections of judicial nominating  
5 commissioners, a member of the bar must be a resident of the  
6 state of Iowa and of the appropriate congressional district or  
7 judicial election district as shown by the member's most  
8 recent filing with the supreme court for the purposes of  
9 showing compliance with the court's continuing legal education  
10 requirements, or for members who are not required to file such

5290 11 compliance, any paper on file by July 1 with the supreme court  
12 which the court determines to show the requisite residency  
13 requirements. A judge who has been admitted to the bar of the  
14 state of Iowa shall be considered a member of the bar.

15 Sec. 2. Section 46.8, Code 1985, is amended to read as  
16 follows:

17 46.8 CERTIFIED LIST.

18 On ~~June 1~~ July 15 of each year the clerk of the supreme  
19 court shall certify a list of the names, addresses, and years  
20 of admission of members of the bar who are eligible to vote  
21 for state and district judicial nominating commissioners. The  
22 clerk of the supreme court shall provide a copy of the list of  
23 the members for a county to the clerk of the district court  
24 for that county.

25 Sec. 3. Section 602.6504, Code 1985, is amended by adding  
26 the following new subsection:

27 NEW SUBSECTION. 3A. In order to be placed on the ballot  
28 for county magistrate appointing commission, an eligible  
29 attorney elector shall file a nomination petition in the  
30 office of the clerk of court on or before November 30 of the  
31 year in which the election for attorney positions is to occur.  
32 This subsection does not preclude write-in votes at the time  
33 of the election.

34 EXPLANATION

35 Section 1 of this bill provides that for purposes of

1 eligibility to vote in elections of judicial nominating  
2 commissioners, such eligibility can be shown by any paper on  
3 file by July 1 with the supreme court which shows the  
4 requisite residency requirements.

5 Section 2 moves from June 1 to July 15 the date on which  
6 the clerk of court certifies the list of persons eligible to  
7 vote for judicial nominating commissioners.

8 Section 3 provides that an attorney must file a nomination  
9 petition with the clerk of court on or before November 30 in  
10 order to be placed on the ballot for the election of  
11 magistrate appointing commissioners. The bill also provides  
12 that this requirement of filing a petition does not preclude  
13 write-in votes at the time of the election.

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HOUSE FILE 2402

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(As Amended and Passed by the House March 11, 1986)

*Substituted for S.F. 2225 3/10*

Passed House, Date 3-11-86 (p 660) Passed Senate, Date 4-7-86 (p 1074)

Vote: Ayes 98 Nays 0 Vote: Ayes 44 Nays 0

Approved April 21, 1986 (p 1606)

**A BILL FOR**

1 An Act relating to the election of judicial nominating  
2 commissioners and county magistrate appointing commissioners.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

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1 Section 1. Section 46.7, Code 1985, is amended to read as  
2 follows:

3 46.7 ELIGIBILITY TO VOTE.

4 To be eligible to vote in elections of judicial nominating  
5 commissioners, a member of the bar must be a resident of the  
6 state of Iowa and of the appropriate congressional district or  
7 judicial election district as shown by the member's most  
8 recent filing with the supreme court for the purposes of  
9 showing compliance with the court's continuing legal education  
10 requirements, or for members who are not required to file such  
11 compliance, any paper on file by July 1 with the clerk of the  
12 supreme court, for the purpose of establishing eligibility to  
13 vote under this section, which the court determines to show  
14 the requisite residency requirements. A judge who has been  
15 admitted to the bar of the state of Iowa shall be considered a  
16 member of the bar.

17 Sec. 2. Section 46.8, Code 1985, is amended to read as  
18 follows:

19 46.8 CERTIFIED LIST.

20 On ~~June~~ July 15 of each year the clerk of the supreme  
21 court shall certify a list of the names, addresses, and years  
22 of admission of members of the bar who are eligible to vote  
23 for state and district judicial nominating commissioners. The  
24 clerk of the supreme court shall provide a copy of the list of  
25 the members for a county to the clerk of the district court  
26 for that county.

27 Sec. 3. Section 602.6504, Code 1985, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 3A. In order to be placed on the ballot  
30 for county magistrate appointing commission, an eligible  
31 attorney elector shall file a nomination petition in the  
32 office of the clerk of court on or before November 30 of the  
33 year in which the election for attorney positions is to occur.  
34 This subsection does not preclude write-in votes at the time  
35 of the election.

now  
HB 2402

NSB 633

Judiciary & Law Enforcement

HOUSE FILE 2402

BY (PROPOSED COMMITTEE ON  
JUDICIARY AND LAW ENFORCE-  
MENT BILL)

Study Bill 633

Judiciary and Law Enforcement: Chapman, Chair: Holveck and McIntee.

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the election of county magistrate appointing  
2 commissioners.

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

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2 adding the following new subsection:

3 NEW SUBSECTION. 3A. In order to be placed on the ballot  
4 for county magistrate appointing commission, an eligible  
5 attorney elector shall file a nomination petition in the  
6 office of the clerk of court on or before November 30 of the  
7 year in which the election for attorney positions is to occur.  
8 This subsection does not preclude write-in votes at the time  
9 of the election.

10 EXPLANATION

11 This bill provides that an attorney must file a nomination  
12 petition with the clerk of court on or before November 30 in  
13 order to be placed on the ballot for the election of  
14 magistrate appointing commissioners. The bill also provides  
15 that this requirement of filing a petition does not preclude  
16 write-in votes at the time of the election.

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HOUSE FILE 2402

AN ACT

RELATING TO THE ELECTION OF JUDICIAL NOMINATING COMMISSIONERS  
AND COUNTY MAGISTRATE APPOINTING COMMISSIONERS.

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

Section 1. Section 46.7, Code 1985, is amended to read as follows:

46.7 ELIGIBILITY TO VOTE.

To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must be a resident of the state of Iowa and of the appropriate congressional district or judicial election district as shown by the member's most recent filing with the supreme court for the purposes of showing compliance with the court's continuing legal education requirements, or for members who are not required to file such compliance, any paper on file by July 1 with the clerk of the supreme court, for the purpose of establishing eligibility to vote under this section, which the court determines to show the requisite residency requirements. A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar.

Sec. 2. Section 46.8, Code 1985, is amended to read as follows:

46.8 CERTIFIED LIST.

On June 1 July 15 of each year the clerk of the supreme court shall certify a list of the names, addresses, and years of admission of members of the bar who are eligible to vote for state and district judicial nominating commissioners. The clerk of the supreme court shall provide a copy of the list of the members for a county to the clerk of the district court for that county.

Sec. 3. Section 602.6504, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. In order to be placed on the ballot for county magistrate appointing commission, an eligible attorney elector shall file a nomination petition in the office of the clerk of court on or before November 30 of the year in which the election for attorney positions is to occur. This subsection does not preclude write-in votes at the time of the election.

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

\_\_\_\_\_  
ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2402, Seventy-first General Assembly.

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JOSEPH O'NEERN  
Chief Clerk of the House

Approved April 21, 1986

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TERRY E. BRANSTAD  
Governor

H.F. 2402