

MAR 5 1997
STATE GOVERNMENT

HOUSE FILE 469
BY FORD and LAMBERTI

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring senior judges to stand for retention at election
2 and providing an applicability date.

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

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HF 469

1 Section 1. Section 46.20, Code 1997, is amended to read as
2 follows:

3 46.20 DECLARATION OF CANDIDACY.

4 At least one hundred four days before the judicial election
5 preceding expiration of the initial or regular term of office,
6 a senior judge serving pursuant to section 602.9203, a judge
7 of the supreme court, court of appeals, or district court
8 including district associate judges, or a clerk of the
9 district court who is required to stand for retention under
10 section 602.1216 may file a declaration of candidacy with the
11 state commissioner of elections to stand for retention or
12 rejection at that election. If a judge or clerk fails to file
13 the declaration, the office shall be vacant at the end of the
14 term. District associate judges and senior judges filing the
15 declaration shall stand for retention in the judicial election
16 district of their residence.

17 Sec. 2. Section 46.21, unnumbered paragraph 1, Code 1997,
18 is amended to read as follows:

19 At least sixty-nine days before each judicial election, the
20 state commissioner of elections shall certify to the county
21 commissioner of elections of each county a list of the senior
22 judges, judges of the supreme court, court of appeals, and
23 district court including district associate judges, and clerks
24 of the district court to be voted on in each county at that
25 election. The county commissioner of elections shall place
26 the names upon the ballot in the order in which they appear in
27 the certificate, unless only one county is voting thereon.
28 The state commissioner of elections shall rotate the names in
29 the certificate by county, or the county commissioner of
30 elections shall rotate them upon the ballot by precinct if
31 only one county is voting thereon. The names of all judges
32 and clerks to be voted on shall be placed upon one ballot,
33 which shall be in substantially the following form:

34 Sec. 3. Section 46.21, Code 1997, is amended by adding the
35 following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. SENIOR JUDGES. Shall the
2 following senior judges be retained in office?

3 CANDIDATE'S NAME YES _____ NO _____

4 Sec. 4. Section 46.24, Code 1997, is amended to read as
5 follows:

6 46.24 RESULTS OF ELECTION.

7 A senior judge, judge of the supreme court, court of
8 appeals, or district court including a district associate
9 judge, or a clerk of the district court must receive more
10 affirmative than negative votes to be retained in office.
11 When the poll is closed, the election judges shall publicly
12 canvass the vote forthwith. The board of supervisors shall
13 canvass the returns on the Monday or Tuesday after the
14 election, and shall promptly certify the number of affirmative
15 and negative votes on each judge or clerk to the state
16 commissioner of elections.

17 The state board of canvassers shall, at the time of
18 canvassing the vote cast at a general election, open and
19 canvass all of the returns for the judicial election. Each
20 senior judge, judge of the supreme court, court of appeals or
21 district court including a district associate judge, or a
22 clerk of the district court who has received more affirmative
23 than negative votes shall receive from the state board of
24 canvassers an appropriate certificate so stating.

25 Sec. 5. Section 602.9203, subsection 2, unnumbered
26 paragraph 1, Code 1997, is amended to read as follows:

27 A judicial officer referred to in subsection 1 may be
28 appointed, at the discretion of the supreme court, for a two-
29 year term as a senior judge, and if appointed shall stand for
30 retention in office as provided in chapter 46, if the judicial
31 officer meets all of the following requirements:

32 Sec. 6. Section 602.9203, subsections 3 and 5, Code 1997,
33 are amended to read as follows:

34 3. The clerk of the supreme court shall maintain a book
35 entitled "Roster of Senior Judges", and shall enter in the

1 book the name of each judicial officer who files a timely
2 election under subsection 1 and qualifies under subsection 2.
3 A person shall be a senior judge upon entry of the person's
4 name in the roster of senior judges and until the person
5 becomes a retired senior judge as provided in section
6 602.9207, or until the person's name is stricken from the
7 roster of senior judges as provided in section 602.9208, or
8 until the person is not retained by the voters at an election,
9 or until the person dies.

10 5. A senior judge ~~may-be-reappointed-to~~ shall stand for
11 retention for additional two-year terms, ~~at-the-discretion-of~~
12 ~~the-supreme-court,~~ if the judicial officer meets the
13 requirements of subsection 2. A senior judge shall stand for
14 retention in office at the judicial election under sections
15 46.17 to 46.24.

16 Sec. 7. APPLICABILITY. This Act applies to senior judges
17 appointed on or after January 1, 1998.

18 EXPLANATION

19 This bill requires senior judges to stand for retention at
20 election. The bill provides that a senior judge would still
21 be appointed for the initial two-year term and would be
22 retained at election for additional two-year terms.

23 The bill applies to senior judges appointed on or after
24 January 1, 1998.

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