

3/10/97 State Gov.

FILED MAR 10 1997

SENATE JOINT RESOLUTION 13

BY HALVORSON

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing amendments to the Constitution of
2 the State of Iowa to limit the terms and years of service for
3 members of the Senate and the House of Representatives, and to
4 limit the terms and years of service for Governor, Lieutenant
5 Governor, Attorney General, Secretary of State, Auditor of
6 State, and Treasurer of State, and to limit the terms and
7 years of service for Supreme Court Justices, Judges of the
8 Court of Appeals, and District Court Judges.

9 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.S.R. 13

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 1. Section 3 of Article III of the Constitution of the
4 State of Iowa is repealed and the following adopted in lieu
5 thereof:

6 REPRESENTATIVES. Sec. 3. The members of the House of
7 Representatives shall be chosen every second year, by the
8 qualified electors of their respective districts, and their
9 term of office shall commence on the first day of January next
10 after their election, and continue two years, and until their
11 successors are elected and qualified. A person shall not be
12 elected for a term as Representative if the term would result
13 in more than a total of twelve years of service or six two-
14 year terms as a Representative. If a person is elected or
15 appointed to serve a portion of a term to which some other
16 person was elected or appointed but that person died in office
17 or resigned from office or was otherwise removed from office,
18 those years served shall not be included in the terms of
19 office or total years of service.

20 2. Section 5 of Article III of the Constitution of the
21 State of Iowa is repealed and the following adopted in lieu
22 thereof:

23 SENATORS -- QUALIFICATIONS. Sec. 5. Senators shall be
24 chosen for a term of four years, at the same time and place as
25 Representatives; they shall be twenty-five years of age, and
26 possess the qualifications of Representatives as to residence
27 and citizenship. A person shall not be elected for a term as
28 Senator if the term would result in more than a total of
29 twelve years of service or three four-year terms as a Senator.
30 If a person is elected or appointed to serve a portion of a
31 term to which some other person was elected or appointed but
32 that person died in office or resigned from office or was
33 otherwise removed from office, those years served shall not be
34 included in the terms of office or total years of service.

35 3. Section 2 of Article IV of the Constitution of the

1 State of Iowa, as amended by amendment number 1 of the
2 Amendments of 1972 and amendment number 1 of the Amendments of
3 1988, is repealed and the following adopted in lieu thereof:

4 ELECTION AND TERM. Sec. 2. The Governor and the
5 Lieutenant Governor shall be elected by the qualified electors
6 at the time and place of voting for members of the General
7 Assembly. Each of them shall hold office for four years from
8 the time of installation in office and until a successor is
9 elected and qualifies. A person shall not be elected Governor
10 if the term would result in more than a total of twelve years
11 of service or three four-year terms as Governor. A person
12 shall not be elected Lieutenant Governor if the term would
13 result in more than a total of twelve years of service or
14 three four-year terms as Lieutenant Governor. If a person is
15 elected or appointed to serve a portion of a term to which
16 some other person was elected or appointed but that person
17 died in office or resigned from office or was otherwise
18 removed from office, those years served shall not be included
19 in the terms of office or total years of service.

20 4. Section 22 of Article IV of the Constitution of the
21 State of Iowa, as amended by amendment number 1 of the
22 Amendments of 1972, is repealed and the following adopted in
23 lieu thereof:

24 SECRETARY -- AUDITOR -- TREASURER. Sec. 22. A Secretary
25 of State, an Auditor of State, and a Treasurer of State shall
26 be elected by the qualified electors at the same time that the
27 Governor is elected and for a four-year term commencing on the
28 first day of January next after their election, and they shall
29 perform such duties as may be provided by law. A person shall
30 not be elected Secretary of State if the term would result in
31 more than a total of twelve years of service or three four-
32 year terms as Secretary of State. A person shall not be
33 elected Auditor of State if the term would result in more than
34 a total of twelve years of service or three four-year terms as
35 Auditor of State. A person shall not be elected Treasurer of

1 State if the term would result in more than a total of twelve
2 years of service or three four-year terms as Treasurer of
3 State. If a person is elected or appointed to serve a portion
4 of a term to which some other person was elected or appointed
5 but that person died in office or resigned from office or was
6 otherwise removed from office, those years served shall not be
7 included in the terms of office or total years of service.

8 5. Section 12 of Article V of the Constitution of the
9 State of Iowa, as amended by amendment number 1 of the
10 Amendments of 1972, is repealed and the following adopted in
11 lieu thereof:

12 ATTORNEY GENERAL. Sec. 12. The General Assembly shall
13 provide, by law, for the election of an Attorney General by
14 the people, whose term of office shall be four years, and
15 until a successor is elected and qualifies. A person shall
16 not be elected Attorney General if the term would result in
17 more than a total of twelve years of service or three four-
18 year terms as Attorney General. If a person is elected or
19 appointed to serve a portion of a term to which some other
20 person was elected or appointed but that person died in office
21 or resigned from office or was otherwise removed from office,
22 those years served shall not be included in the terms of
23 office or total years of service.

24 Sec. 2. The following amendment to the Constitution of the
25 State of Iowa is proposed:

26 Section 17 of Article V of the Constitution of the State of
27 Iowa, as added by the Amendment of 1962, is repealed and the
28 following adopted in lieu thereof:

29 TERMS -- JUDICIAL ELECTIONS. Sec. 17. Members of all
30 courts shall have such tenure in office as may be fixed by
31 law, but terms of supreme court judges shall be eight years
32 and terms of judges of the court of appeals and of the
33 district court shall be six years. Judges shall serve for one
34 year after appointment and until the first day of January
35 following the next judicial election after the expiration of

1 such year. They shall at such judicial election stand for
2 retention in office on a separate ballot which shall submit
3 the question of whether such judge shall be retained in office
4 for the tenure prescribed for such office and when such tenure
5 is a term of years, on their request, they shall, at the
6 judicial election next before the end of each term, stand
7 again for retention on such ballot. The general assembly
8 shall prescribe the time for holding judicial elections.

9 A supreme court judge shall not stand for retention if the
10 term for which the judge would be retained would result in
11 more than a total of sixteen years of service or two terms as
12 a supreme court judge. A judge of the court of appeals shall
13 not stand for retention if the term for which the judge would
14 be retained would result in more than a total of twelve years
15 of service or two six-year terms as a judge of the court of
16 appeals. A judge of a district court shall not stand for
17 retention if the term for which the judge would be retained
18 would result in more than a total of twelve years of service
19 or two six-year terms as a judge of a district court.

20 Sec. 3. The foregoing amendments to the Constitution of
21 the State of Iowa are referred to the General Assembly to be
22 chosen at the next general election for members of the General
23 Assembly and the Secretary of State is directed to cause the
24 same to be published for three consecutive months previous to
25 the date of that election as provided by law.

26 EXPLANATION

27 This joint resolution proposes two amendments to the
28 Constitution of the State of Iowa. The first amendment
29 provides that members of the Iowa house of representatives
30 shall not serve more than six terms or 12 years as a
31 representative and that members of the Iowa senate shall not
32 serve more than three terms or 12 years as a senator. If a
33 person serves a portion of a term to which some other person
34 was elected or appointed, the partial term shall not be
35 included in the number of terms or total years of service.

1 The amendment also provides that persons elected to the
2 office of governor, lieutenant governor, attorney general,
3 secretary of state, auditor of state, and treasurer of state
4 are limited to three terms or 12 years in each office. If a
5 person serves a portion of a term to which some other person
6 was elected or appointed, the partial term shall not be
7 included in the number of terms or total years of service.

8 The second amendment limits the terms and years of service
9 of judges other than district associate judges. Terms of
10 justices of the supreme court are set at eight years and they
11 are limited to two terms or 16 years of service. Terms of
12 judges of the court of appeals and of district court judges
13 are set at six years and they are limited to two terms or 12
14 years of service.

15 The resolution, if adopted, would be referred to the next
16 general assembly before being submitted to the electorate for
17 ratification.

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