Passed Senate, Date _____   Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to the apportionment or transfer of a judgeship
2 among judicial election districts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1   Section 1. Section 602.6201, subsections 4, 5, and 6, Code
2 2003, are amended to read as follows:
3   4. For purposes of this section, a vacancy means the
4 death, resignation, retirement, or removal of a district
5 judge, or the failure of a district judge to be retained in
6 office at the judicial election, ~~or~~ an increase in judgeships
7 under this section, or a judicial election district with fewer
8 district judges than the number of judgeships specified under
9 the formula in subsection 3.
10   5. ~~In-those-judicial-election-districts-having-more~~
11 ~~district-judges-than-the-number-of-judgeships-specified-by-the~~
12 ~~formula-in-subsection-3,-vacancies-shall-not-be-filled~~ If a
13 vacancy in a judgeship occurs, the judgeship shall be
14 apportioned to the judicial election district having the
15 greatest numerical disparity between authorized judgeships and
16 judgeships specified by the formula in subsection 3, as
17 calculated by the state court administrator. If two or more
18 judicial election districts have an equal numerical disparity
19 between authorized judgeships and judgeships specified by the
20 formula, the judgeship shall be apportioned to the judicial
21 election district with greatest percentage of need in terms of
22 authorized judgeships filled and judgeships specified by the
23 formula as calculated by the state court administrator.
24   6. ~~In-those-judicial-election-districts-having-fewer-or~~
25 ~~the-same-number-of-district-judges-as-the-number-of-judgeships~~
26 ~~specified-by-the-formula-in-subsection-3,-vacancies-in-the~~
27 ~~number-of-district-judges-shall-be-filled-as-they-occur.~~
28 Notwithstanding any other provision of the Code to the
29 contrary, if the chief justice of the supreme court determines
30 an inequity exists in the allocation of judgeships and
31 judicial workload between judicial election districts, the
32 chief justice may authorize a voluntary permanent transfer of
33 a district judge from one judicial election district to
34 another. The chief justice shall notify all eligible district
35 judges of the intent to authorize a voluntary permanent

1 transfer and the terms of such a transfer. The chief justice
2 may transfer a district judge who consents to the transfer
3 within six months of the notification. The transfer of a
4 district judge shall take effect within sixty days of the
5 official announcement of the transfer by the chief justice. A
6 district judge transferred pursuant to this subsection shall
7 have six months from the date of the announcement of the
8 transfer to establish residency in the judicial election
9 district where the district judge is transferred. A district
10 judge who has been transferred shall stand for retention in
11 the judicial election district to which the district judge has
12 been transferred as provided in chapter 46. For purposes of
13 subsection 3, the judgeship shall be apportioned to the
14 judicial election district where the judge is transferred. A
15 voluntary transfer pursuant to this subsection shall not cause
16 a vacancy of a judgeship in the judicial election district
17 from which the district judge was transferred.
18   Sec. 2. Section 602.6201, subsection 7, Code 2003, is
19 amended by striking the subsection.
20   Sec. 3. Section 602.6201, subsection 8, Code 2003, is
21 amended to read as follows:
22   8. Vacancies-shall-not-be-filled-in-a-judicial-election
23 district-which-becomes-entitled-to-fewer-judgeships-under
24 subsection-3,-but-an An incumbent district judge shall not be
25 removed from office because of a reduction in the number of
26 authorized judgeships.
27   EXPLANATION
28   This bill relates to the apportionment or transfer of a
29 judgeship among judicial election districts.
30   The bill provides that if the chief justice of the supreme
31 court determines an inequity exists in the allocation of
32 judgeships and judicial workload between judicial election
33 districts, the chief justice may authorize a voluntary
34 permanent transfer of a district judge from one judicial
35 election district to another. The chief justice shall notify

1 all eligible district judges of the intent to authorize a
2 voluntary transfer. The chief justice may permanently
3 transfer a district judge who consents to the transfer within
4 six months of the notification to authorize such a transfer.
5 The bill provides that the transfer of a district judge shall
6 take effect within 60 days of the official announcement of the
7 transfer. Under the bill a district judge who transfers shall
8 establish a residency in the new judicial election district
9 within six months of the official announcement of the
10 transfer. A district judge who is transferred shall stand for
11 retention in the new judicial election district.
12 The bill requires a vacant judgeship to be apportioned to
13 the judicial election district having the greatest numerical
14 disparity between authorized judgeships and judgeships
15 specified by the formula in Code section 602.6201, subsection
16 3. The bill provides that if two or more judicial election
17 districts have an equal numerical disparity between authorized
18 judgeships and judgeships specified by the formula, the
19 judgeship shall be apportioned to the judicial election
20 district with the greatest percentage of need in terms of
21 authorized judgeships filled and judgeships specified by the
22 formula as calculated by the state court administrator.
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