

Senate Joint Resolution 13 - Introduced

SENATE JOINT RESOLUTION 13
BY SORENSON

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa requiring supreme court justices to be
3 elected.

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

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

3 1. Section 2 of Article V of the Constitution of the State
4 of Iowa is amended beginning July 1, 2015, to read as follows:

5 **Supreme court.** SEC. 2. The general assembly shall provide,
6 by law, for the statewide election of supreme court judges
7 at the time of the judicial election. Except as provided in
8 section 10 of this article, the supreme court shall consist of
9 three judges, two of whom shall constitute a quorum to hold
10 court, and whose term of office shall be six years or until a
11 successor is elected and qualifies.

12 2. Section 15 of Article V of the Constitution of the
13 State of Iowa, as added by the Amendment of 1962, is amended
14 beginning July 1, 2015, to read as follows:

15 **Vacancies in courts.** SEC. 15. Vacancies in the ~~supreme~~
16 ~~court and~~ district court shall be filled by appointment by the
17 governor from lists of nominees submitted by the appropriate
18 district judicial nominating commission. ~~Three nominees shall~~
19 ~~be submitted for each supreme court vacancy, and two~~ Two
20 nominees shall be submitted for each district court vacancy.
21 If the governor fails for thirty days to make the appointment,
22 ~~it~~ the appointment shall be made ~~from such nominees~~ by the
23 chief justice of the supreme court.

24 3. Section 16, unnumbered paragraph 1, of Article V of the
25 Constitution of the State of Iowa, as added by the Amendment
26 of 1962, is amended beginning July 1, 2015, by striking the
27 unnumbered paragraph.

28 4. Section 16, unnumbered paragraph 3, of Article V of the
29 Constitution of the State of Iowa, as added by the Amendment of
30 1962, is amended beginning July 1, 2015, to read as follows:

31 Due consideration shall be given to area representation in
32 the appointment and election of district judicial nominating
33 commission members. Appointive and elective members of the
34 district judicial nominating commissions shall serve for
35 six-year terms, shall be ineligible for a second six-year term

1 on the same commission, shall hold no office of profit of the
2 United States or of the state during their terms, shall be
3 chosen without reference to political affiliation, and shall
4 have such other qualifications as may be prescribed by law. As
5 near as may be, the terms of one-third of such members shall
6 expire every two years.

7 5. Section 17 of Article V of the Constitution of the
8 State of Iowa, as added by the Amendment of 1962, is amended
9 beginning July 1, 2015, to read as follows:

10 **Terms — judicial elections.** SEC. 17. Members of all
11 courts, except the supreme court, shall have such tenure in
12 office as may be fixed by law, ~~but terms of supreme court~~
13 ~~judges shall be not less than eight years and~~ the terms
14 of district court judges shall be not less than six years.
15 Judges, other than supreme court judges, shall serve for one
16 year after appointment and until the first day of January
17 following the next judicial election after the expiration of
18 such year. They shall at such judicial election stand for
19 retention in office on a separate ballot which shall submit the
20 question of whether such judge shall be retained in office for
21 the tenure prescribed for such office and when such tenure is a
22 term of years, on their request, they shall, at the judicial
23 election next before the end of each term, stand again for
24 retention on such ballot. Present ~~supreme court and~~ district
25 court judges, at the expiration of their respective terms, may
26 be retained in office in like manner for the tenure prescribed
27 for such office. The general assembly shall prescribe the time
28 for holding judicial elections.

29 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
30 to the Constitution of the State of Iowa is referred to the
31 general assembly to be chosen at the next general election
32 for members of the general assembly, and the secretary of
33 state is directed to cause the same to be published for three
34 consecutive months previous to the date of that election as
35 provided by law.

EXPLANATION

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2 This joint resolution proposes an amendment to the
3 Constitution of the State of Iowa requiring the justices of
4 the supreme court to be elected to a term of office of every
5 six years on a statewide basis. The constitution currently
6 requires each justice of the supreme court to be retained in
7 office every eight years after serving an initial term of
8 office of up to two years immediately after appointment.

9 The general assembly established the number of supreme court
10 justices at seven in Code section 602.4101 under the authority
11 of article V, section 10, of the Iowa constitution. The number
12 of supreme court justices shall not fall below three justices
13 under article V, section 2, of the Iowa constitution.

14 The resolution does not impact the nomination and
15 appointment process for other judicial officers.

16 The resolution, if adopted, would be referred to the next
17 general assembly (Eighty-fifth) for adoption before the
18 amendment is submitted to the electorate for ratification.

19 The resolution if adopted and ratified by the electorate
20 takes effect July 1, 2015.