

Senate Study Bill 1035 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

1 An Act relating to the nomination and appointment of district
2 judges.

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

1 Section 1. Section 46.14, Code 2013, is amended to read as
2 follows:

3 **46.14 Nomination — residence.**

4 1. Each judicial nominating commission shall carefully
5 consider the individuals available for judge, and within sixty
6 days after receiving notice of a vacancy shall certify to the
7 governor and the chief justice the proper number of nominees,
8 in alphabetical order. Such nominees shall be chosen by the
9 affirmative vote of a majority of the full statutory number
10 of commissioners upon the basis of their qualifications and
11 without regard to political affiliation. Nominees shall be
12 members of the bar of Iowa, shall be residents of the state ~~or~~
13 ~~district of the court to which they are nominated,~~ and shall
14 be of such age that they will be able to serve an initial and
15 one regular term of office to which they are nominated before
16 reaching the age of seventy-two years. ~~Nominees for district~~
17 ~~judge shall file a certified application form, to be provided~~
18 ~~by the supreme court, with the chairperson of the district~~
19 ~~judicial nominating commission.~~ Absence of a commissioner or
20 vacancy upon the commission shall not invalidate a nomination.
21 The chairperson of the commission shall promptly certify the
22 names of the nominees, in alphabetical order, to the governor
23 and the chief justice.

24 2. An applicant for district judge shall file a certified
25 application form, to be provided by the supreme court, with the
26 chairperson of the district judicial nominating commission. A
27 district judge appointee shall be a resident of the judicial
28 district before assuming office or, if the judicial district
29 is divided into judicial election districts, the appointee
30 shall be a resident of the judicial election district where the
31 nomination occurred before assuming office.

32 ~~2.~~ 3. A commissioner shall not be eligible for nomination
33 by the commission during the term for which the commissioner
34 was elected or appointed to that commission. A commissioner
35 shall not be eligible to vote for the nomination of a family

1 member, current law partner, or current business partner. For
2 purposes of this subsection, "*family member*" means a spouse,
3 son, daughter, brother, sister, uncle, aunt, first cousin,
4 nephew, niece, father-in-law, mother-in-law, son-in-law,
5 daughter-in-law, brother-in-law, sister-in-law, father, mother,
6 stepfather, stepmother, stepson, stepdaughter, stepbrother,
7 stepsister, half brother, or half sister.

8

EXPLANATION

9 This bill relates to the nomination and qualifications of
10 district judges. The bill specifies that a district judge
11 appointee shall be a resident of the judicial district where
12 the nomination occurred before assuming office. If the
13 judicial district is divided into judicial election districts,
14 the bill specifies the appointee shall be a resident of the
15 judicial election district where the nomination occurred before
16 assuming office.