

# House Joint Resolution 6 - Introduced

HOUSE JOINT RESOLUTION 6  
BY SALMON

## HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing amendments to the Constitution  
2 of the State of Iowa relating to the appointment and  
3 jurisdiction of judicial officers.  
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 1 of Article V of the Constitution of the State  
4 of Iowa is amended, beginning January 1, 2021, to read as  
5 follows:

6 **Courts.** SECTION. 1. The judicial power shall be vested in  
7 a supreme court, court of appeals, district courts, and such  
8 other courts, inferior to the supreme court, as the general  
9 assembly may, from time to time, establish.

10 2. Article V of the Constitution of the State of Iowa is  
11 amended by adding the following new section:

12 **Court of appeals.** SEC. 2A. The court of appeals shall  
13 consist of three judges, two of whom shall constitute a quorum  
14 to hold court.

15 3. Article V of the Constitution of the State of Iowa is  
16 amended by adding the following new section:

17 **Jurisdiction of court of appeals.** SEC. 4A. The court of  
18 appeals shall have appellate jurisdiction only in cases of  
19 chancery, and shall constitute a court for the correction of  
20 errors at law, under such restrictions as the general assembly  
21 may, by law, prescribe; and shall have power to issue all writs  
22 and process necessary to secure justice to parties. The court  
23 of appeals shall be an inferior tribunal to the supreme court.

24 4. Section 7 of Article V of the Constitution of the State  
25 of Iowa is amended to read as follows:

26 **Conservators of the peace.** SEC. 7. The judges of the  
27 supreme court, court of appeals, and district courts shall be  
28 conservators of the peace throughout the state.

29 5. Section 10 of Article V of the Constitution of the State  
30 of Iowa, as amended by Amendment 2 of the Amendments of 1884,  
31 is amended to read as follows:

32 **Judicial districts.** SEC. 10. The general assembly may  
33 reorganize the judicial districts and increase or diminish the  
34 number of districts, or the number of judges of the said court,  
35 and may increase the number of judges of the supreme court;

1 and may increase the number of judges of the court of appeals;  
2 but such increase or diminution shall not be more than one  
3 district, or one judge of either court, at any one session,  
4 except any increase or diminution of the number of judges of  
5 the court of appeals shall commence at nine judges; and no  
6 reorganization of the districts, or diminution of the number of  
7 judges, shall have the effect of removing a judge from office.  
8 Such reorganization of the districts, or any change in the  
9 boundaries thereof, or increase or diminution of the number  
10 of judges, shall take place every four years thereafter, if  
11 necessary, and at no other time.

12 At any regular session of the general assembly the state may  
13 be divided into the necessary judicial districts for district  
14 court purposes, or the said districts may be reorganized and  
15 the number of the districts and the judges of said courts  
16 increased or diminished; but no reorganization of the districts  
17 or diminution of the judges shall have the effect of removing a  
18 judge from office.

19 Sec. 2. The following amendment to the Constitution of the  
20 State of Iowa is proposed:

21 1. Section 15 of Article V of the Constitution of the  
22 State of Iowa, as added by the Amendment of 1962, is repealed  
23 beginning January 1, 2021, and the following adopted in lieu  
24 thereof:

25 **Vacancies in courts.** SEC. 15. Vacancies in the supreme  
26 court, court of appeals, and district court shall be filled by  
27 appointment by the governor subject to confirmation by a simple  
28 majority of all the members elected to the senate. A vacancy  
29 may be filled temporarily pending confirmation.

30 2. Section 16 of Article V of the Constitution of the  
31 State of Iowa, as added by the Amendment of 1962, is repealed  
32 beginning January 1, 2021.

33 3. Section 17 of Article V of the Constitution of the State  
34 of Iowa, as added by the Amendment of 1962, is amended to read  
35 as follows:

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

20     4. Section 18 of Article V of the Constitution of the State  
21 of Iowa, as added by the Amendment of 1962, is amended to read  
22 as follows:

23     **Salaries — qualifications — retirement.** SEC. 18. Judges  
24 of the supreme court, court of appeals, and district court  
25 shall receive salaries from the state, shall be members of  
26 the bar of the state and shall have such other qualifications  
27 as may be prescribed by law. Judges of the supreme court,  
28 court of appeals, and district court shall be ineligible to  
29 any other office of the state while serving on said court  
30 and for two years thereafter, except that ~~district~~ judges of  
31 the court of appeals and district court shall be eligible to  
32 the office of supreme court judge. Other judicial officers  
33 shall be selected in such manner and shall have such tenure,  
34 compensation and other qualification as may be fixed by law.  
35 The general assembly shall prescribe mandatory retirement for

1 judges of the supreme court, court of appeals, and district  
2 court at a specified age and shall provide for adequate  
3 retirement compensation. Retired judges may be subject to  
4 special assignment to temporary judicial duties by the supreme  
5 court, as provided by law.

6 Sec. 3. REFERRAL AND PUBLICATION. The foregoing amendments  
7 to the Constitution of the State of Iowa are referred to the  
8 general assembly to be chosen at the next general election  
9 for members of the general assembly, and the secretary of  
10 state is directed to cause the same to be published for three  
11 consecutive months previous to the date of that election as  
12 provided by law.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This joint resolution proposes two amendments to the  
17 Constitution of the State of Iowa relating to the appointment  
18 and jurisdiction of judicial officers.

19 Currently, the Iowa constitution is silent regarding the  
20 nomination and appointment of judges of the court of appeals.  
21 The first amendment in the resolution constitutionally  
22 establishes the minimum number of court of appeals judges at  
23 three judges, which is consistent with the minimum number of  
24 constitutionally required justices of the supreme court. The  
25 resolution also allows the general assembly to increase or  
26 decrease the number of court of appeals judges from the current  
27 nine judges who sit on the court of appeals.

28 The resolution provides that the court of appeals shall  
29 have appellate jurisdiction only in cases of chancery and  
30 shall constitute a court for the correction of errors at law,  
31 under such restrictions as the general assembly may, by law,  
32 prescribe. The resolution also specifies that the court of  
33 appeals is an inferior tribunal to the supreme court.

34 The resolution provides that the judges of the court of  
35 appeals shall be conservators of peace throughout the state.

1 The resolution establishes the term of a judge of the court  
2 of appeals at six years. The term of six years is consistent  
3 with the existing statutory law under Code section 46.16.

4 The resolution specifies that a court of appeals judge is  
5 eligible to receive a salary from the state which is consistent  
6 with other salary language applicable to a supreme court  
7 justice or district judge. The resolution specifies that a  
8 court of appeals judge is ineligible for any other office  
9 of the state for at least two years after serving on the  
10 court, except a court of appeals judge would be eligible to be  
11 appointed to the supreme court.

12 The second amendment in the resolution eliminates the state  
13 judicial nominating commission and district judicial nominating  
14 commissions and establishes a new procedure for the appointment  
15 of persons to the supreme court, court of appeals, and district  
16 court. The resolution requires the governor to appoint persons  
17 to the supreme court, court of appeals, or district court,  
18 subject to confirmation by a simple majority of all the members  
19 elected to the senate. The resolution specifies that a vacancy  
20 may be filled temporarily pending confirmation.

21 Under the current constitution and statutes, the state  
22 judicial nominating commission nominates persons for  
23 appointment by the governor to the supreme court and court  
24 of appeals and each district judicial nominating commission  
25 nominates persons for appointment by the governor to the  
26 district court bench.

27 The resolution, if adopted, would be referred to the next  
28 general assembly (88th) for adoption a second time before the  
29 amendment is submitted to the electorate for ratification at  
30 the 2020 general election.

31 The amendment, if adopted and ratified by the electorate,  
32 takes effect January 1, 2021.