

**Senate File 327 - Introduced**

SENATE FILE 327

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**A BILL FOR**

1 An Act relating to the membership of the state judicial  
2 nominating commission and district judicial nominating  
3 commissions and providing an effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 46.1, Code 2017, is amended to read as  
2 follows:

3 **46.1 Appointment of state judicial nominating commissioners.**

4 ~~The~~ Except as otherwise provided in section 46.1A, the  
5 governor shall appoint, subject to confirmation by the senate,  
6 ~~one~~ four eligible elector~~s~~ electors of each congressional  
7 district to the state judicial nominating commission for a  
8 six-year term beginning and ending as provided in section  
9 69.19. The terms of no more than ~~three~~ six nor less than ~~two~~  
10 four of the members shall expire within the same two-year  
11 period. No more than a simple majority of the members  
12 appointed shall be of the same gender. The appointed members  
13 shall be voting members.

14 Sec. 2. NEW SECTION. **46.1A State judicial nominating**  
15 **members — appointment — transition.**

16 1. In order to transition to sixteen appointed members for  
17 the state judicial nominating commission and to ensure each  
18 appointed member serves a six-year term, and future terms are  
19 staggered, the composition of the state judicial nominating  
20 commission shall consist of the following number of appointed  
21 members during the following time periods:

22 a. At the time of appointing successors for the two  
23 appointive terms ending on April 30, 2018, the governor shall  
24 appoint a total of five eligible electors to the state judicial  
25 nominating commission. The appointive membership of the state  
26 judicial nominating commission shall then consist of eleven  
27 appointed members from May 1, 2018, through April 30, 2020.

28 b. At the time of appointing successors for the three  
29 appointive terms ending on April 30, 2020, the governor shall  
30 appoint a total of six eligible electors to the state judicial  
31 nominating commission. The appointive membership of the state  
32 judicial nominating commission shall then consist of fourteen  
33 appointed members from May 1, 2020, through April 30, 2022.

34 c. At the time of appointing successors for the three  
35 appointive terms ending on April 30, 2022, the governor shall

1 appoint a total of four eligible electors to the state judicial  
2 nominating commission. The appointive membership of the state  
3 judicial nominating commission shall then consist of sixteen  
4 appointed members from May 1, 2022, and every year thereafter.

5 2. To ensure geographic balance during the transition  
6 to sixteen appointed members the governor shall first make  
7 an appointment to the state judicial nominating commission  
8 from the eligible electors of a congressional district with  
9 the least number of appointed members on the commission. If  
10 two or more congressional districts with the least number of  
11 appointed members have equal membership the governor shall make  
12 an appointment to break the tie and then appoint a member from  
13 the congressional district with the least number of appointed  
14 members on the commission.

15 Sec. 3. Section 46.2, Code 2017, is amended by striking the  
16 section and inserting in lieu thereof the following:

17 **46.2 Election of state judicial nominating commission member.**

18 1. The resident members of the bar shall elect one  
19 eligible elector of the state to the state judicial nominating  
20 commission for a six-year term beginning July 1, 2021. The  
21 members of the bar shall in January, immediately preceding the  
22 expiration of the term, elect a successor for a like term. The  
23 elected member shall be a nonvoting, advisory member.

24 2. The elected members of the state judicial nominating  
25 commission serving on the commission as of the effective  
26 date of this Act shall remain on the commission as nonvoting  
27 members until their respective terms end, and no new successor  
28 member shall be elected except as provided in subsection 3.  
29 The voting terms of the elected members of the state judicial  
30 nominating commission end on the effective date of this Act.

31 3. In January 2023, the members of the bar shall elect the  
32 eligible elector as provided in subsection 1.

33 Sec. 4. Section 46.2A, Code 2017, is amended by striking the  
34 section and inserting in lieu thereof the following:

35 **46.2A Chairperson of the state judicial nominating**

1 **commission.**

2 1. The justice of the supreme court who is senior in length,  
3 other than the chief justice, shall be the chairperson of the  
4 state judicial nominating commission. The chairperson shall  
5 be a nonvoting advisory member of the commission unless a vote  
6 ends in a tie, in such case the chairperson is eligible to cast  
7 the tie-breaking vote.

8 2. If supreme court justices have equal length of service,  
9 the eldest of such justices shall be the chairperson of the  
10 state judicial nominating commission.

11 Sec. 5. Section 46.3, subsection 1, Code 2017, is amended  
12 to read as follows:

13 1. The governor shall appoint five eligible electors of each  
14 judicial election district to the district judicial nominating  
15 commission. The appointed commissioners shall be voting  
16 members.

17 Sec. 6. Section 46.4, Code 2017, is amended by striking the  
18 section and inserting in lieu thereof the following:

19 **46.4 Election of district judicial nominating commissioner.**

20 1. The resident members of the bar of each judicial election  
21 district shall elect one eligible elector of the district to  
22 the district judicial nominating commission for a six-year  
23 term beginning February 1, 2022. The members of the bar shall  
24 in January, immediately preceding the expiration of the term,  
25 elect a successor for a like term. The elected commissioner  
26 shall be a nonvoting, advisory commissioner.

27 2. The elected commissioners of the district judicial  
28 nominating commission serving on the commission as of the  
29 effective date of this Act shall remain on the commission as  
30 nonvoting members until their respective terms end, and no new  
31 successor commissioner shall be elected except as provided in  
32 subsection 3. The voting terms of the elected commissioners  
33 of the district judicial nominating commission end on the  
34 effective date of this Act.

35 3. In January 2022, the members of the bar shall elect the

1 eligible elector as provided in subsection 1.

2 Sec. 7. NEW SECTION. 46.4A Chairperson of district judicial  
3 nominating commission.

4 1. The district judge who is senior in length shall be the  
5 chairperson of the district judicial nominating commission.  
6 The chairperson shall be a nonvoting, advisory member of the  
7 commission unless a vote ends in a tie, in such case the  
8 chairperson is eligible to cast the tie-breaking vote.

9 2. If district judges have equal length of service, the  
10 eldest of such judges shall be the chairperson of the district  
11 judicial nominating commission.

12 Sec. 8. REPEAL. Section 46.6, Code 2017, is repealed.

13 Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
14 immediate importance, takes effect upon enactment.

15 EXPLANATION

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

18 This bill relates to the membership of the state judicial  
19 nominating commission and the district judicial nominating  
20 commissions.

21 The state judicial nominating commission nominates persons  
22 for appointment by the governor to the supreme court and the  
23 court of appeals. The judicial district nominating commissions  
24 nominate persons for appointment by the governor to the  
25 district court bench as district judges.

26 STATE JUDICIAL NOMINATING COMMISSION. The bill specifies  
27 that members appointed to the state judicial nominating  
28 commission by the governor shall be voting members of the  
29 commission and members elected to the commission by members  
30 of the state bar shall be advisory nonvoting members of the  
31 commission. Current law provides that both appointed and  
32 elected members of the state judicial nominating commission are  
33 voting members.

34 The bill establishes a process for transitioning the voting  
35 membership of the state judicial nominating commission from

1 eight members appointed by the governor and eight members  
2 elected by the state bar to 16 members only appointed by the  
3 governor.

4 In order for the state judicial nominating commission to  
5 transition from eight appointed members to 16 appointed members  
6 and to ensure each appointed member serves a six-year term,  
7 and future terms are staggered, the size of the state judicial  
8 nominating commission shall vary during the transitional period  
9 under the bill. Beginning with the two appointive terms  
10 ending on April 30, 2018, the governor shall appoint five  
11 eligible electors to the state judicial nominating commission.  
12 The appointive membership of the state judicial nominating  
13 commission shall then consist of 11 appointed members from May  
14 1, 2018, through April 30, 2020. Beginning with the three  
15 appointive terms ending on April 30, 2020, the governor shall  
16 appoint six eligible electors to the state judicial nominating  
17 commission. The appointive membership of the state judicial  
18 nominating commission shall then consist of 14 appointed  
19 members from May 1, 2020, through April 30, 2022. Beginning  
20 with the two appointive terms ending on April 30, 2022, the  
21 governor shall appoint four eligible electors to the state  
22 judicial nominating commission. The appointive membership  
23 of the state judicial nominating commission, having achieved  
24 the required number of appointed members, shall consist of 16  
25 appointed members after May 1, 2022, and every year thereafter.

26 The bill reduces the number of members of the state judicial  
27 nominating commission elected by the resident members of  
28 the bar from seven members to one member by July 1, 2021,  
29 and makes all current elected members nonvoting members of  
30 the commission. The current members of the state judicial  
31 nominating commission shall remain on the commission until the  
32 respective term of the member ends. The last terms of current  
33 elected members end on June 30, 2021. When the last terms  
34 of current elected members end, the bill provides that the  
35 resident members of the bar shall elect one eligible elector

1 of the state to the state judicial nominating commission for a  
2 six-year, nonvoting term beginning July 1, 2021, and every six  
3 years thereafter.

4 DISTRICT JUDICIAL NOMINATING COMMISSIONS. The bill  
5 specifies that members appointed to the district judicial  
6 nominating commissions by the governor shall be voting members  
7 of the commissions and members elected to the commission by  
8 members of the state bar shall be advisory, nonvoting members  
9 of the commissions. Current law provides that both appointed  
10 and elected members of the district judicial nominating  
11 commissions are voting members.

12 Under the bill, the number of commissioners appointed by the  
13 governor to serve on a district judicial nominating commission  
14 remains at five commissioners.

15 The bill reduces the number of commissioners of a district  
16 judicial nominating commission elected by the resident members  
17 of the bar from five members to one member by February 1, 2022,  
18 and makes all current elected members nonvoting members of  
19 the commission. The current members of the district judicial  
20 nominating commission shall remain on the commission until  
21 their respective terms end. The last term of a current  
22 elected member ends on January 31, 2022. When the last term  
23 of a current elected member ends, the bill provides that the  
24 resident members of the bar shall elect one eligible elector of  
25 the state to the district judicial nominating commission for a  
26 six-year, nonvoting term beginning February 1, 2022, and every  
27 six years thereafter.

28 CHAIRPERSON OF STATE JUDICIAL NOMINATING COMMISSION OR  
29 DISTRICT JUDICIAL NOMINATING COMMISSION. The bill repeals Code  
30 section 46.6 relating to judicial officers with equal seniority  
31 serving as chairperson of the state judicial nominating  
32 commission or a district judicial nominating commission and  
33 moves these provisions to new Code sections 46.2A and 46.4A  
34 respectively.

35 The bill makes the justice of the supreme court, who is the

1 chairperson of the state judicial nominating commission, a  
2 nonvoting, advisory member of the commission unless a vote ends  
3 in a tie, in such case the bill provides that the chairperson  
4 is eligible to cast the tie-breaking vote.

5 The bill also makes the district judge, who is chairperson  
6 of the district judicial nominating commission, a nonvoting,  
7 advisory member of the commission unless a vote ends in a  
8 tie, in such case, the bill provides that the chairperson is  
9 eligible to cast the tie-breaking vote.

10 EFFECTIVE DATE. The bill takes effect upon enactment.