

Senate Joint Resolution 2005 - Introduced

SENATE JOINT RESOLUTION 2005

BY DAWSON

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1 A Joint Resolution proposing amendments to the Constitution
2 of the State of Iowa limiting years of service for members
3 of the general assembly, the governor, and judges of the
4 supreme court and court of appeals.

5 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 3 of Article III of the Constitution of the State
4 of Iowa is repealed and the following adopted in lieu thereof:

5 **Representatives — term limitation.** SEC. 3. The members of
6 the house of representatives shall be chosen every second year,
7 by the qualified electors of their respective districts, and
8 their term of office shall commence on the first day of January
9 next after their election, and continue two years, and until
10 their successors are elected and qualified. A person shall
11 not be elected for a term as representative if the term would
12 result in the person serving more than a total of sixteen years
13 in the general assembly. This limitation on years of service
14 applies to terms of office beginning on or after January 1,
15 2023, and for years of service occurring on or after January
16 1, 2023.

17 2. Section 5 of Article III of the Constitution of the State
18 of Iowa is repealed and the following adopted in lieu thereof:

19 **Senators — qualifications — term limitation.** SEC. 5.
20 Senators shall be chosen for the term of four years, at
21 the same time and place as representatives; they shall be
22 twenty-five years of age, and possess the qualifications of
23 representatives as to residence and citizenship. A person
24 shall not be elected for a term as senator if the term would
25 result in the person serving more than a total of sixteen years
26 in the general assembly. This limitation on terms of service
27 applies to terms of office beginning on or after January 1,
28 2023, and for years of service occurring on or after January
29 1, 2023.

30 Sec. 2. The following amendment to the Constitution of the
31 State of Iowa is proposed:

32 Section 6 of Article IV of the Constitution of the State of
33 Iowa is repealed and the following adopted in lieu thereof:

34 **Eligibility — term limitation.** SEC. 6. No person shall be
35 eligible to the office of governor, or lieutenant governor,

1 who shall not have been a citizen of the United States, and a
2 resident of the state, two years next preceding the election,
3 and attained the age of thirty years at the time of said
4 election.

5 A person shall not be elected for a term as governor if
6 the term would result in the person serving more than a total
7 of two terms as governor. If a person is elevated to serve
8 a portion of a term to which some other person was elected
9 but that person died in office or resigned from office or was
10 otherwise removed from office, that portion of a term served
11 shall not be included in the terms of service for purposes
12 of this limitation if the person did not serve for at least
13 one-half of the four-year term. This limitation on terms
14 of service applies to terms of office beginning on or after
15 January 1, 2023.

16 Sec. 3. The following amendment to the Constitution of the
17 State of Iowa is proposed:

18 Section 17 of Article V of the Constitution of the State of
19 Iowa, as added by the Amendment of 1962, is repealed and the
20 following adopted in lieu thereof:

21 **Terms — judicial elections — term limitations. SEC. 17.**
22 Members of all courts shall have such tenure in office as may
23 be fixed by law, but terms of supreme court judges shall be not
24 less than eight years and terms of district court judges shall
25 be not less than six years. Judges shall serve for one year
26 after appointment and until the first day of January following
27 the next judicial election after the expiration of such year.
28 They shall at such judicial election stand for retention in
29 office on a separate ballot which shall submit the question of
30 whether such judge shall be retained in office for the tenure
31 prescribed for such office and when such tenure is a term of
32 years, on their request, they shall, at the judicial election
33 next before the end of each term, stand again for retention on
34 such ballot. Present supreme court and district court judges,
35 at the expiration of their respective terms, may be retained

1 in office in like manner for the tenure prescribed for such
2 office.

3 A person shall not be eligible to be elected or appointed for
4 a term as a supreme court judge if the term would result in the
5 person serving more than a total of two full terms as a supreme
6 court judge. This limitation on terms of service applies to
7 terms of office beginning on or after January 1, 2023.

8 The general assembly shall prescribe the time for holding
9 judicial elections.

10 Sec. 4. The following amendments to the Constitution of the
11 State of Iowa are proposed:

12 1. Section 1 of Article V of the Constitution of the State
13 of Iowa is amended to read as follows:

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

18 2. Section 15 of Article V of the Constitution of the State
19 of Iowa, as added by the Amendment of 1962, is amended to read
20 as follows:

21 **Vacancies in courts.** SEC. 15. Vacancies in the supreme
22 court, court of appeals, and district court shall be filled by
23 appointment by the governor from lists of nominees submitted
24 by the appropriate judicial nominating commission. Three
25 nominees shall be submitted for each supreme court vacancy,
26 three nominees shall be submitted for each court of appeals
27 vacancy, and two nominees shall be submitted for each district
28 court vacancy. If the governor fails for thirty days to make
29 the appointment, it shall be made from such nominees by the
30 chief justice of the supreme court.

31 3. Section 16 of Article V of the Constitution of the State
32 of Iowa, as added by the Amendment of 1962, is amended to read
33 as follows:

34 **State and district nominating commissions.** SEC. 16. There
35 shall be a state judicial nominating commission. Such

1 commission shall make nominations to fill vacancies in the
2 supreme court and the court of appeals. Until July 4, 1973,
3 and thereafter unless otherwise provided by law, the state
4 judicial nominating commission shall be composed and selected
5 as follows: There shall be not less than three nor more than
6 eight appointive members, as provided by law, and an equal
7 number of elective members on such commission, all of whom
8 shall be electors of the state. The appointive members shall
9 be appointed by the governor subject to confirmation by the
10 senate. The elective members shall be elected by the resident
11 members of the bar of the state. The judge of the supreme court
12 who is senior in length of service on said court, other than
13 the chief justice, shall also be a member of such commission
14 and shall be its chairman.

15 There shall be a district judicial nominating commission in
16 each judicial district of the state. Such commissions shall
17 make nominations to fill vacancies in the district court within
18 their respective districts. Until July 4, 1973, and thereafter
19 unless otherwise provided by law, district judicial nominating
20 commissions shall be composed and selected as follows: There
21 shall be not less than three nor more than six appointive
22 members, as provided by law, and an equal number of elective
23 members on each such commission, all of whom shall be electors
24 of the district. The appointive members shall be appointed by
25 the governor. The elective members shall be elected by the
26 resident members of the bar of the district. The district
27 judge of such district who is senior in length of service shall
28 also be a member of such commission and shall be its chairman.

29 Due consideration shall be given to area representation in
30 the appointment and election of judicial nominating commission
31 members. Appointive and elective members of judicial
32 nominating commissions shall serve for six-year terms, shall be
33 ineligible for a second six-year term on the same commission,
34 shall hold no office of profit of the United States or of the
35 state during their terms, shall be chosen without reference to

1 political affiliation, and shall have such other qualifications
2 as may be prescribed by law. As near as may be, the terms of
3 one-third of such members shall expire every two years.

4 4. Section 18 of Article V of the Constitution of the State
5 of Iowa, as added by the Amendment of 1962, is repealed and the
6 following adopted in lieu thereof:

7 **Salaries — qualifications — retirement.** SEC. 18. Judges of
8 the supreme court, court of appeals, and district court shall
9 receive salaries from the state, shall be members of the bar
10 of the state and shall have such other qualifications as may
11 be prescribed by law. Judges of the supreme court, court of
12 appeals, and district court shall be ineligible to any other
13 office of the state while serving on said court and for two
14 years thereafter, except that appeals court judges and district
15 court judges shall be eligible to the office of supreme court
16 judge. Other judicial officers shall be selected in such
17 manner and shall have such tenure, compensation, and other
18 qualification as may be fixed by law. The general assembly
19 shall prescribe mandatory retirement for judges of the supreme
20 court, court of appeals, and district court at a specified
21 age and shall provide for adequate retirement compensation.
22 Retired judges may be subject to special assignment to
23 temporary judicial duties by the supreme court, as provided by
24 law.

25 5. Article V of the Constitution of the State of Iowa is
26 amended by adding the following new section:

27 SEC. 18A. The court of appeals shall consist of such a
28 number of judges and have such jurisdiction and tenure in
29 office as may be fixed by law.

30 A person shall not be eligible to be elected or appointed
31 for a term as a court of appeals judge if the term would result
32 in the person serving more than a total of two full terms as a
33 court of appeals judge. This limitation on terms of service
34 applies to terms of office beginning on or after January 1,
35 2023.

1 Sec. 5. REFERRAL AND PUBLICATION. The foregoing amendments
2 to the Constitution of the State of Iowa are referred to the
3 general assembly to be chosen at the next general election
4 for members of the general assembly, and the secretary of
5 state is directed to cause the same to be published for three
6 consecutive months previous to the date of that election as
7 provided by law.

8

EXPLANATION

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

11 This joint resolution proposes four amendments to the
12 Constitution of the State of Iowa limiting years of service
13 for persons elected to the general assembly, office of the
14 governor, supreme court, or court of appeals, and establishing
15 the court of appeals in the constitution.

16 The first amendment provides that a person shall not be
17 elected for a term as a representative or senator if the term
18 would result in the person serving more than 16 years in the
19 general assembly.

20 The second proposed amendment provides that a person shall
21 not be elected for a term as governor if the term would result
22 in the person serving more than two terms as governor. For the
23 purposes of this limitation, a person shall not be considered
24 to have served a term if that person was elevated to serve a
25 portion of a term as governor if that person did not serve at
26 least one-half of the full term.

27 The third proposed amendment provides that a person shall
28 not be elected or appointed to serve as a judge on the supreme
29 court if the term would result in the person serving more than
30 two full terms as a judge on the supreme court.

31 The fourth proposed amendment establishes the court of
32 appeals in the Constitution of the State of Iowa, provides that
33 three nominees for each vacancy in the court shall be submitted
34 by the state judicial nominating commission, from which the
35 governor shall select an appointee and provides for the payment

1 of a salary to judges of the court, the establishment of a
2 mandatory retirement age, and a limitation on holding any other
3 office of the state until two years after retiring from the
4 court. The amendment provides that the court of appeals shall
5 consist of such a number of judges and have such jurisdiction
6 and term in office as may be fixed by law. The amendment also
7 provides that a person shall not be elected or appointed to
8 serve as a judge on the court of appeals if the term would
9 result in the person serving more than two terms as a judge on
10 the court of appeals.

11 The amendment applies to terms of office beginning on or
12 after January 1, 2023, and for years of service occurring on or
13 after January 1, 2023.

14 The resolution, if adopted, would be referred to the next
15 general assembly for adoption before being submitted to the
16 electorate for ratification.