

**Senate Joint Resolution 5 - Introduced**

SENATE JOINT RESOLUTION 5  
BY JOCHUM

**SENATE JOINT RESOLUTION**

1 A Joint Resolution proposing an amendment to the Constitution  
2 of the State of Iowa to make the Constitution of the State  
3 of Iowa gender neutral.

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. The first paragraph of the Preamble of the Constitution  
4 of the State of Iowa is amended to read as follows:

5 **Preamble.** WE THE PEOPLE OF THE STATE OF IOWA, grateful  
6 to the Supreme Being for the blessings hitherto enjoyed,  
7 and feeling our dependence on ~~Hi~~ the Supreme Being for a  
8 continuation of those blessings, do ordain and establish a free  
9 and independent government, by the name of the State of Iowa,  
10 the boundaries whereof shall be as follows:

11 2. Section 4 of Article I of the Constitution of the State  
12 of Iowa is amended to read as follows:

13 **Sec. 4. Religious test — witnesses.** No religious test  
14 shall be required as a qualification for any office, or public  
15 trust, and no person shall be deprived of any of ~~his~~ the  
16 person's rights, privileges, or capacities, or disqualified  
17 from the performance of any of ~~his~~ the person's public or  
18 private duties, or rendered incompetent to give evidence in  
19 any court of law or equity, in consequence of ~~his~~ the person's  
20 opinions on the subject of religion; and any party to any  
21 judicial proceeding shall have the right to use as a witness,  
22 or take the testimony of, any other person not disqualified on  
23 account of interest, who may be cognizant of any fact material  
24 to the case; and parties to suits may be witnesses, as provided  
25 by law.

26 3. Section 7 of Article I of the Constitution of the State  
27 of Iowa is amended to read as follows:

28 **Sec. 7. Liberty of speech and press.** Every person may  
29 speak, write, and publish ~~his~~ the person's sentiments on all  
30 subjects, being responsible for the abuse of that right. No  
31 law shall be passed to restrain or abridge the liberty of  
32 speech, or of the press. In all prosecutions or indictments  
33 for libel, the truth may be given in evidence to the jury, and  
34 if it appears\* to the jury that the matter charged as ~~libellous~~  
35 libelous was true, and was published with good motives and for

1 justifiable ends, the party shall be acquitted.

2 4. Section 9 of Article I of the Constitution of the State  
3 of Iowa is amended to read as follows:

4 **Sec. 9. Right of trial by jury — due process of law.** The  
5 right of trial by jury shall remain inviolate; but the general  
6 assembly may authorize trial by a jury of a less number than  
7 twelve ~~men~~ individuals in inferior courts; but no person shall  
8 be deprived of life, liberty, or property, without due process  
9 of law.

10 5. Section 10 of Article I of the Constitution of the State  
11 of Iowa is amended to read as follows:

12 **Sec. 10. Rights of persons accused.** In all criminal  
13 prosecutions, and in cases involving the life, or liberty  
14 of an individual the accused shall have a right to a speedy  
15 and public trial by an impartial jury; to be informed of the  
16 accusation against ~~him~~ the accused, to have a copy of the same  
17 when demanded; to be confronted with the witnesses against ~~him~~  
18 the accused; to have compulsory process for ~~his~~ the accused's  
19 witnesses; and, to have the assistance of counsel.

20 6. Section 1 of Article II of the Constitution of the State  
21 of Iowa, as amended by the Amendment of 1868 and by amendment  
22 number 2 of the Amendments of 1970, is amended to read as  
23 follows:

24 **Section 1. Electors.** Every citizen of the United States  
25 of the age of twenty-one years, who shall have been a resident  
26 of this state for such period of time as shall be provided by  
27 law and of the county in which ~~he~~ the person claims ~~his~~ the  
28 person's vote for such period of time as shall be provided by  
29 law, shall be entitled to vote at all elections which are now  
30 or hereafter may be authorized by law. The general assembly  
31 may provide by law for different periods of residence in order  
32 to vote for various officers or in order to vote in various  
33 elections. The required periods of residence shall not exceed  
34 six months in this state and sixty days in the county.

35 7. Section 4 of Article III of the Constitution of the State

1 of Iowa, as amended by the Amendment of 1880 and the Amendment  
2 of 1926, is amended to read as follows:

3     **Sec. 4. Qualifications.** No person shall be a member of the  
4 house of representatives who shall not have attained the age of  
5 twenty-one years, be a citizen of the United States, and shall  
6 have been an inhabitant of this state one year next preceding  
7 ~~his~~ the person's election, and at the time of ~~his~~ the person's  
8 election shall have had an actual residence of sixty days in  
9 the county, or district ~~he~~ the person may have been chosen to  
10 represent.

11     8. Section 10 of Article III of the Constitution of the  
12 State of Iowa is amended to read as follows:

13     **Sec. 10. Protest — record of vote.** Every member of the  
14 general assembly shall have the liberty to dissent from, or  
15 protest against any Act or resolution which ~~he~~ the member may  
16 think injurious to the public, or an individual, and have the  
17 reasons for ~~his~~ the member's dissent entered on the journals;  
18 and the yeas and nays of the members of either house, on any  
19 question, shall, at the desire of any two members present, be  
20 entered on the journals.

21     9. Section 16 of Article III of the Constitution of  
22 the State of Iowa, as amended by amendment number 4 of the  
23 Amendments of 1968, is amended to read as follows:

24     **Sec. 16. Executive approval — veto — item veto by**  
25 **governor.** Every bill which shall have passed the general  
26 assembly, shall, before it becomes a law, be presented to the  
27 governor. If ~~he~~ approve the governor approves, ~~he~~ the governor  
28 shall sign it; but if not, ~~he~~ the governor shall return it  
29 with ~~his~~ the governor's objections, to the house in which it  
30 originated, which shall enter the same upon ~~their~~ its journal,  
31 and proceed to reconsider it; if, after such reconsideration,  
32 it again ~~pass~~ passes both houses, by yeas and nays, by a  
33 majority of two thirds of the members of each house, it shall  
34 become a law, notwithstanding the governor's\* objections. If  
35 any bill shall not be returned within three days after it shall

1 have been presented to ~~him~~ the governor, Sunday excepted, the  
 2 same shall be a law in like manner as if ~~he~~ the governor had  
 3 signed it, unless the general assembly, by adjournment, ~~prevent~~  
 4 prevents such return. Any bill submitted to the governor for  
 5 ~~his~~ the governor's approval during the last three days of a  
 6 session of the general assembly, shall be deposited by ~~him~~ the  
 7 governor in the office of the secretary of state, within thirty  
 8 days after the adjournment, with ~~his~~ the governor's approval,  
 9 if approved by ~~him~~ the governor, and with ~~his~~ the governor's  
 10 objections, if ~~he~~ the governor disapproves thereof.

11 The governor may approve appropriation bills in whole or  
 12 in part, and may disapprove any item of an appropriation  
 13 bill; and the part approved shall become a law. Any item of  
 14 an appropriation bill disapproved by the governor shall be  
 15 returned, with ~~his~~ the governor's objections, to the house  
 16 in which it originated, or shall be deposited by ~~him~~ the  
 17 governor in the office of the secretary of state in the case  
 18 of an appropriation bill submitted to the governor for ~~his~~ the  
 19 governor's approval during the last three days of a session  
 20 of the general assembly, and the procedure in each case shall  
 21 be the same as provided for other bills. Any such item of an  
 22 appropriation bill may be enacted into law notwithstanding the  
 23 governor's objections, in the same manner as provided for other  
 24 bills.

25 10. Section 21 of Article III of the Constitution of the  
 26 State of Iowa is amended to read as follows:

27 **Sec. 21. Members not appointed to office.** No senator or  
 28 representative shall, during the time for which ~~he~~ the senator  
 29 or representative shall have been elected, be appointed to any  
 30 civil office of profit under this state, which shall have been  
 31 created, or the emoluments of which shall have been increased  
 32 during such term, except such offices as may be filled by  
 33 elections by the people.

34 11. Section 23 of Article III of the Constitution of the  
 35 State of Iowa is amended to read as follows:

1     **Sec. 23. Failure to account.** No person who may hereafter  
2 be a collector or holder of public monies, shall have a seat  
3 in either house of the general assembly, or be eligible to  
4 hold any office of trust or profit in this state, until ~~he~~ the  
5 person shall have accounted for and paid into the treasury all  
6 sums for which ~~he~~ the person may be liable.

7     12. Section 8 of Article IV of the Constitution of the State  
8 of Iowa is amended to read as follows:

9     **Sec. 8. Duties of governor.** ~~He~~ The governor shall transact  
10 all executive business with the officers of government, civil  
11 and military, and may require information in writing from the  
12 officers of the executive department upon any subject relating  
13 to the duties of their respective offices.

14     13. Section 9 of Article IV of the Constitution of the State  
15 of Iowa is amended to read as follows:

16     **Sec. 9. Execution of laws.** ~~He~~ The governor shall take care  
17 that the laws are faithfully executed.

18     14. Section 11 of Article IV of the Constitution of the  
19 State of Iowa is amended to read as follows:

20     **Sec. 11. Convening general assembly.** ~~He~~ The governor may,  
21 on extraordinary occasions, convene the general assembly by  
22 proclamation, and shall state to both houses, when assembled,  
23 the purpose for which they shall have been convened.

24     15. Section 12 of Article IV of the Constitution of the  
25 State of Iowa is amended to read as follows:

26     **Sec. 12. Message.** ~~He~~ The governor shall communicate, by  
27 message, to the general assembly, at every regular session, the  
28 condition of the state, and recommend such matters as ~~he~~ the  
29 governor shall deem expedient.

30     16. Section 13 of Article IV of the Constitution of the  
31 State of Iowa is amended to read as follows:

32     **Sec. 13. Adjournment.** In case of disagreement between  
33 the two houses with respect to the time of adjournment, the  
34 governor shall have power to adjourn the general assembly to  
35 such time as ~~he~~ the governor may think proper; but no such

1 adjournment shall be beyond the time fixed for the regular  
2 meeting of the next general assembly.

3 17. Section 16 of Article IV of the Constitution of the  
4 State of Iowa is amended to read as follows:

5 **Sec. 16. Pardons — reprieves — commutations.** The governor  
6 shall have power to grant reprieves, commutations and pardons,  
7 after conviction, for all ~~offences~~ offenses except treason and  
8 cases of impeachment, subject to such regulations as may be  
9 provided by law. Upon conviction for treason, ~~he~~ the governor  
10 shall have power to suspend the execution of the sentence until  
11 the case shall be reported to the general assembly at its next  
12 meeting, when the general assembly shall either grant a pardon,  
13 commute the sentence, direct the execution of the sentence, or  
14 grant a further reprieve. ~~He~~ The governor shall have power to  
15 remit fines and forfeitures, under such regulations as may be  
16 prescribed by law; and shall report to the general assembly,  
17 at its next meeting, each case of reprieve, commutation, or  
18 pardon granted, and the reasons therefor; and also all persons  
19 in whose favor remission of fines and forfeitures shall have  
20 been made, and the several amounts remitted.

21 18. Section 17 of Article IV of the Constitution of the  
22 State of Iowa is amended to read as follows:

23 **Sec. 17. Lieutenant governor to act as governor.** In case of  
24 the death, impeachment, resignation, removal from office, or  
25 other disability of the governor, the powers and duties of the  
26 office for the residue of the term, or until ~~he~~ the governor  
27 shall be acquitted, or the disability removed, shall devolve  
28 upon the lieutenant governor.

29 19. Section 20 of Article IV of the Constitution of the  
30 State of Iowa is amended to read as follows:

31 **Sec. 20. Seal of state.** There shall be a seal of this  
32 state, which shall be kept by the governor, and used by ~~him~~ the  
33 governor officially, and shall be called the great seal of the  
34 state of Iowa.

35 20. Section 12 of Article V of the Constitution of the State

1 of Iowa, as amended by amendment number 1 of the Amendments of  
2 1972, is amended to read as follows:

3     **Sec. 12. Attorney general.** The general assembly shall  
4 provide, by law, for the election of an attorney general by the  
5 people, whose term of office shall be four years, and until his  
6 the attorney general's successor is elected and qualifies.

7     21. Paragraphs 1 and 2 of section 16 of Article V of the  
8 Constitution of the State of Iowa, as added by the Amendment of  
9 1962, are amended to read as follows:

10     There shall be a state judicial nominating commission.  
11 Such commission shall make nominations to fill vacancies in  
12 the supreme court. Until July 4, 1973, and thereafter unless  
13 otherwise provided by law, the state judicial nominating  
14 commission shall be composed and selected as follows: There  
15 shall be not less than three nor more than eight appointive  
16 members, as provided by law, and an equal number of elective  
17 members on such commission, all of whom shall be electors of  
18 the state. The appointive members shall be appointed by the  
19 governor subject to confirmation by the senate. The elective  
20 members shall be elected by the resident members of the bar of  
21 the state. The judge of the supreme court who is senior in  
22 length of service on said court, other than the chief justice,  
23 shall also be a member of such commission and shall be its  
24 ~~chairman~~ chairperson.

25     There shall be a district judicial nominating commission in  
26 each judicial district of the state. Such commissions shall  
27 make nominations to fill vacancies in the district court within  
28 their respective districts. Until July 4, 1973, and thereafter  
29 unless otherwise provided by law, district judicial nominating  
30 commissions shall be composed and selected as follows: There  
31 shall be not less than three nor more than six appointive  
32 members, as provided by law, and an equal number of elective  
33 members on each such commission, all of whom shall be electors  
34 of the district. The appointive members shall be appointed by  
35 the governor. The elective members shall be elected by the

1 resident members of the bar of the district. The district  
2 judge of such district who is senior in length of service shall  
3 also be a member of such commission and shall be its ~~chairman~~  
4 chairperson.

5 22. Section 1 of Article VI of the Constitution of the State  
6 of Iowa, as amended by the Amendment of 1868, is amended to  
7 read as follows:

8 Section 1. **Composition — training.** The militia of this  
9 state shall be composed of all able-bodied ~~male~~ citizens,  
10 between the ages of eighteen and forty-five years, except such  
11 as are or may hereafter be exempt by the laws of the United  
12 States, or of this state, and shall be armed, equipped, and  
13 trained, as the general assembly may provide by law.

14 23. Section 9 of Article VIII of the Constitution of the  
15 State of Iowa is amended to read as follows:

16 Sec. 9. **Stockholders' responsibility.** Every stockholder  
17 in a banking corporation or institution shall be individually  
18 responsible and liable to its creditors, over and above the  
19 amount of stock ~~by him or her~~ held by the stockholder, to an  
20 amount equal to ~~his or her~~ the stockholder's respective shares  
21 so held for all of its liabilities, accruing while ~~he or she~~  
22 the stockholder remains such stockholder.\*

23 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed  
24 amendment to the Constitution of the State of Iowa is referred  
25 to the general assembly to be chosen at the next general  
26 election for members of the general assembly, and the secretary  
27 of state is directed to cause the proposed amendment to be  
28 published for three consecutive months previous to the date of  
29 that election as provided by law.

30 EXPLANATION

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

33 This joint resolution proposes an amendment to the  
34 Constitution of the State of Iowa to make all references  
35 to persons or officers gender neutral. The resolution, if

1 adopted, would be published and then referred to the next  
2 general assembly (89th) for adoption, before being submitted to  
3 the electorate for ratification.