

Senate Study Bill 1101 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to the membership and procedures of the
2 state judicial nominating commission and district
3 judicial nominating commission and to the selection and
4 qualifications of judges, associate judges, and the chief
5 justice, and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

JUDICIAL NOMINATING COMMISSION MODERNIZATION

1
2 Section 1. Section 46.1, Code 2019, is amended to read as
3 follows:
4

5 **46.1 Appointment of state judicial nominating commissioners**
6 **by the governor.**

7 1. The governor shall appoint, ~~subject to confirmation by~~
8 ~~the senate, one eligible elector of each congressional district~~
9 eight eligible electors to the state judicial nominating
10 commission for a six-year term beginning and ending as provided
11 in ~~section 69.19.~~

12 2. The appointments made by the governor shall be staggered
13 terms of six years each and shall be made in the month of
14 January for terms commencing February 1 of odd-numbered years.
15 The terms of no more than three nor less than two of the ~~members~~
16 commissioners shall expire within the same two-year period.

17 3. No more than a ~~simple majority~~ half of the members
18 commissioners appointed by the governor shall be of the same
19 gender.

20 4. At least half of the commissioners appointed by the
21 governor shall be admitted to practice law in Iowa.

22 5. All commissioners shall be chosen without reference to
23 political affiliation.

24 6. There shall be at least one commissioner appointed by
25 the governor from each congressional district and there shall
26 not be more than two commissioners appointed by the governor
27 from a single congressional district unless each congressional
28 district has at least two commissioners appointed by the
29 governor.

30 7. A commissioner who has served a full six-year term on the
31 state judicial nominating commission, whether the commissioner
32 was appointed or elected, shall be ineligible to be appointed
33 to a second six-year term.

34 8. No person may be appointed who holds an office of
35 profit of the United States or of the state at the time of

1 appointment.

2 Sec. 2. Section 46.2, Code 2019, is amended by striking the
3 section and inserting in lieu thereof the following:

4 **46.2 Appointment of state judicial nominating commissioners**
5 **by legislative leaders.**

6 1. The speaker of the house, house minority leader, senate
7 majority leader, and senate minority leader shall each appoint
8 two eligible electors of different genders to the state
9 judicial nominating commission.

10 2. The appointments made by the legislative leaders
11 shall be staggered terms of six years each and shall be made
12 in the month of January for terms commencing February 1 of
13 odd-numbered years. The terms of no more than four nor less
14 than two of the members shall expire within the same two-year
15 period.

16 3. At least one of the commissioners appointed by each
17 legislative leader shall be admitted to practice law in Iowa.

18 4. All commissioners shall be chosen without reference to
19 political affiliation.

20 5. A legislative leader shall give due consideration to area
21 representation on the commission when making an appointment and
22 shall not make an appointment that results in two commissioners
23 serving from the same congressional district who were appointed
24 by a leader of the same party in the same chamber.

25 6. An appointment made to replace a commissioner, whether in
26 the middle of a term or upon the expiration of the term, shall
27 be made by the person holding the same legislative leadership
28 position that made the original appointment.

29 7. A person appointed to replace a commissioner, whether in
30 the middle of a term or upon the expiration of the term, must be
31 of the same gender as the commissioner being replaced.

32 8. A commissioner who has served a full six-year term on the
33 state judicial nominating commission, whether the commissioner
34 was appointed or elected, shall be ineligible to be appointed
35 to a second six-year term.

1 9. No person may be appointed who holds an office of
2 profit of the United States or of the state at the time of
3 appointment.

4 Sec. 3. Section 46.2A, Code 2019, is amended to read as
5 follows:

6 **46.2A Special appointment ~~or election~~ of state judicial**
7 **nominating ~~commission members~~ commissioners.**

8 1. As used in [this section](#), "*congressional district*"
9 means those districts established following the 2010 federal
10 decennial census and described in [chapter 40](#).

11 2. Notwithstanding [sections 46.1](#) and [46.2](#), the terms of
12 the appointed and elected ~~members~~ commissioners of the state
13 judicial nominating commission serving on ~~December 31, 2012,~~
14 the effective date of this Act shall expire at 11:59 p.m. on
15 that date. Notwithstanding section 69.1A, commissioners of
16 the state judicial nominating commission serving on that date
17 shall not hold over until the appointment of the successor
18 commissioners under this section.

19 3. The terms of newly appointed ~~and elected members~~
20 commissioners of the state judicial nominating commission
21 shall commence ~~on January 1, 2013, based upon the number of~~
22 ~~congressional districts as enacted pursuant to [chapter 42](#) at~~
23 12:00 a.m. on the day after the effective date of this Act.

24 4. The initial term of the ~~appointed members~~ commissioners
25 appointed by the governor shall be as follows:

26 *a.* In the congressional district described as the first
27 district, there shall be one ~~member~~ male commissioner with
28 a term ~~of two years~~ expiring on January 31, 2021, and one
29 ~~member~~ female commissioner with a term ~~of six years~~ expiring on
30 January 31, 2025.

31 *b.* In the congressional district described as the second
32 district, there shall be one ~~member~~ female commissioner with a
33 term ~~of two years~~ expiring on January 31, 2021, and one ~~member~~
34 male commissioner with a term ~~of four years~~ expiring on January
35 31, 2023.

1 *c.* In the congressional district described as the third
2 district, there shall be one ~~member~~ female commissioner with a
3 term ~~of four years~~ expiring on January 31, 2023, and one ~~member~~
4 male commissioner with a term ~~of six years~~ expiring on January
5 31, 2025.

6 *d.* In the congressional district described as the fourth
7 district, there shall be one ~~member~~ male commissioner with a
8 term ~~of two years~~ expiring on January 31, 2021, and one ~~member~~
9 female commissioner with a term ~~of four years~~ expiring on
10 January 31, 2025.

11 5. The initial term of the ~~elected members~~ commissioners
12 appointed by the speaker of the house, the house minority
13 leader, the senate majority leader, and the senate minority
14 leader shall be as follows:

15 *a.* ~~In the congressional district described as the first~~
16 ~~district, there shall be~~ The speaker of the house shall appoint
17 one member male commissioner with a term ~~of two years~~ expiring
18 on January 31, 2023, and one ~~member~~ female commissioner with a
19 term ~~of four years~~ expiring on January 31, 2025.

20 *b.* ~~In the congressional district described as the second~~
21 ~~district, there shall be~~ The house minority leader shall
22 appoint one member male commissioner with a term ~~of four~~
23 years expiring on January 31, 2023, and one ~~member~~ female
24 commissioner with a term ~~of six years~~ expiring on January 31,
25 2025.

26 *c.* ~~In the congressional district described as the third~~
27 ~~district, there shall be~~ The senate majority leader shall
28 appoint one member male commissioner with a term ~~of two~~
29 years expiring on January 31, 2021, and one ~~member~~ female
30 commissioner with a term ~~of six years~~ expiring on January 31,
31 2023.

32 *d.* ~~In the congressional district described as the fourth~~
33 ~~district, there shall be~~ The senate minority leader shall
34 appoint one member male commissioner with a term ~~of four~~
35 years expiring on January 31, 2021, and one ~~member~~ female

1 commissioner with a term of ~~six years~~ expiring on January 31,
2 2023.

3 ~~6. The appointed and elected members from each~~
4 ~~congressional district shall be gender balanced as provided in~~
5 ~~section 69.16A.~~

6 ~~7. 6.~~ After the initial term is served pursuant to this
7 section, ~~the appointed members~~ commissioners shall be appointed
8 to six-year terms by the governor as provided in section 46.1,
9 ~~and the elected members shall be elected to six-year terms and~~
10 by the legislative leaders as provided in section 46.2.

11 7. If the state judicial nominating commission has received
12 notice of a vacancy and has not yet submitted nominees to
13 the governor prior to the effective date of this Act, the
14 newly appointed commission may choose to extend its nomination
15 process or conduct a new nomination process. In any such
16 pending vacancy, notwithstanding section 46.14, subsection
17 1, the commission must certify to the governor and the chief
18 justice the proper number of nominees within sixty days of the
19 effective date of this Act.

20 Sec. 4. Section 46.3, Code 2019, is amended to read as
21 follows:

22 **46.3 Appointment of district judicial nominating**
23 **commissioners by the governor.**

24 1. The governor shall appoint ~~five~~ four eligible electors
25 of each judicial election district to the district judicial
26 nominating commission.

27 2. The appointments made by the governor shall be to
28 staggered terms of six years each and shall be made in
29 the month of January for terms commencing February 1 of
30 ~~even-numbered~~ odd-numbered years.

31 3. No more than a ~~simple majority~~ half of the commissioners
32 appointed by the governor shall be of the same gender.

33 4. All commissioners shall be chosen without reference to
34 political affiliation.

35 ~~4. 5. Beginning with terms commencing February 1, 2012,~~

1 ~~there~~ There shall not be more than one appointed commissioner
2 from a county within a judicial election district unless
3 each county within the judicial election district has an
4 appointed ~~or-elected~~ commissioner or the number of appointed
5 commissioners exceeds the number of counties within the
6 judicial election district. **This subsection** shall not be used
7 to remove an appointed commissioner from office prior to the
8 expiration of the commissioner's term.

9 6. No person may be appointed who holds an office of
10 profit of the United States or of the state at the time of
11 appointment.

12 Sec. 5. Section 46.4, Code 2019, is amended by striking the
13 section and inserting in lieu thereof the following:

14 **46.4 Appointment of district judicial nominating**
15 **commissioners by legislative leaders.**

16 1. The speaker of the house, house minority leader, senate
17 majority leader, and senate minority leader shall each appoint
18 one eligible elector of each judicial election district to the
19 district judicial nominating commission.

20 2. The appointments made by the legislative leaders
21 shall be staggered terms of six years each and shall be made
22 in the month of January for terms commencing February 1 of
23 odd-numbered years. The terms of no more than two of the
24 commissioners appointed by legislative leaders on a district
25 judicial nominating commission shall expire within the same
26 two-year period.

27 3. All the commissioners appointed by the legislative
28 leaders shall be admitted to practice law in Iowa.

29 4. All commissioners shall be chosen without reference to
30 political affiliation.

31 5. A legislative leader shall give due consideration to area
32 representation on the commission when making an appointment.

33 6. An appointment made to replace a commissioner, whether in
34 the middle of a term or upon the expiration of the term, shall
35 be made by the person holding the same leadership position that

1 originally appointed the commissioner.

2 7. A person appointed to replace a commissioner in the
3 middle of a term must be of the same gender as the commissioner
4 being replaced. A person appointed to replace a commissioner
5 upon the end of a term shall be of a different gender than the
6 commissioner being replaced.

7 8. A commissioner who has served a full six-year term
8 on the district judicial nominating commission, whether the
9 commissioner was appointed or elected, shall be ineligible to
10 be appointed to a second six-year term.

11 9. No person may be appointed who holds an office of
12 profit of the United States or of the state at the time of
13 appointment.

14 Sec. 6. NEW SECTION. **46.4A Special appointment of district**
15 **judicial nominating commissioners.**

16 1. Notwithstanding sections 46.3 and 46.4, the terms of the
17 appointed and elected commissioners of the district judicial
18 nominating commission serving on the effective date of this
19 Act shall expire at 11:59 p.m. on that date. Notwithstanding
20 section 69.1A, commissioners of the district judicial
21 nominating commission serving on that date shall not hold over
22 until the appointment of the successor commissioners under this
23 section.

24 2. The terms of newly appointed commissioners of the
25 district judicial nominating commission shall commence at 12:00
26 a.m. on the day after the effective date of this Act.

27 3. The initial term of the commissioners appointed by the
28 governor shall be as follows:

29 a. In judicial election districts 1A, 2A, 3A, 5A, 5C, 8A,
30 and the seventh judicial district, the governor shall appoint
31 one male commissioner with a term expiring on January 31, 2021,
32 one female commissioner with a term expiring on January 31,
33 2021, one male commissioner with a term expiring on January
34 31, 2023, and one female commissioner with a term expiring on
35 January 31, 2025.

1 *b.* In judicial election districts 1B, 2B, 3B, 5B, 8B,
2 and the fourth and sixth judicial districts, the governor
3 shall appoint one female commissioner with a term expiring on
4 January 31, 2021, one male commissioner with a term expiring on
5 January 31, 2023, one female commissioner with a term expiring
6 on January 31, 2025, and one male commissioner with a term
7 expiring on January 31, 2025.

8 4. The initial term of the commissioners appointed by the
9 speaker of the house, the house minority leader, the senate
10 majority leader, and the senate minority leader shall be as
11 follows in judicial election districts 1A, 2A, 3A, 5A, 5C, 8A,
12 and the seventh judicial district:

13 *a.* The speaker of the house shall appoint one male
14 commissioner with a term expiring on January 31, 2023.

15 *b.* The house minority leader shall appoint one female
16 commissioner with a term expiring on January 31, 2023.

17 *c.* The senate majority leader shall appoint one female
18 commissioner with a term expiring on January 31, 2025.

19 *d.* The senate minority leader shall appoint one male
20 commissioner with a term expiring on January 31, 2025.

21 5. The initial term of the commissioners appointed by the
22 speaker of the house, the house minority leader, the senate
23 majority leader, and the senate minority leader shall be as
24 follows in judicial election districts 1B, 2B, 3B, 5B, 8B, and
25 the fourth and sixth judicial districts:

26 *a.* The speaker of the house shall appoint one female
27 commissioner with a term expiring on January 31, 2021.

28 *b.* The house minority leader shall appoint one male
29 commissioner with a term expiring on January 31, 2021.

30 *c.* The senate majority leader shall appoint one male
31 commissioner with a term expiring on January 31, 2023.

32 *d.* The senate minority leader shall appoint one female
33 commissioner with a term expiring on January 31, 2023.

34 6. After the initial term is served pursuant to this
35 section, commissioners shall be appointed to six-year terms by

1 the governor as provided in section 46.3 and by the legislative
2 leaders as provided in section 46.4.

3 7. If a district judicial nominating commission has
4 received notice of a vacancy and has not yet submitted nominees
5 to the governor prior to the effective date of this Act, the
6 newly appointed commission may choose to extend its nomination
7 process or conduct a new nomination process. In any such
8 pending vacancy, notwithstanding section 46.14, subsection
9 1, the commission must certify to the governor and the chief
10 justice the proper number of nominees within sixty days of the
11 effective date of this Act.

12 Sec. 7. Section 46.5, Code 2019, is amended to read as
13 follows:

14 **46.5 Vacancies.**

15 1. When a vacancy occurs in the office of ~~appointive~~
16 a judicial nominating commissioner, the chairperson of
17 the particular commission or the governor shall promptly
18 notify the ~~governor~~ appointing authority in writing of such
19 fact. Vacancies in the office of ~~appointive a judicial~~
20 nominating commissioner shall be filled by appointment by
21 the governor or applicable legislative leader, consistent
22 with eligibility requirements. ~~The term of state judicial~~
23 ~~nominating commissioners so appointed shall commence upon~~
24 ~~their appointment pending confirmation by the senate at the~~
25 ~~then session of the general assembly or at its next session~~
26 ~~if it is not then in session.~~ The term of district judicial
27 nominating commissioners so appointed shall commence upon their
28 appointment.

29 2. ~~Except where the term has less than ninety days~~
30 ~~remaining, vacancies in the office of elective member of the~~
31 ~~state judicial nominating commission shall be filled consistent~~
32 ~~with eligibility requirements by a special election within~~
33 ~~the congressional district where the vacancy occurs, such~~
34 ~~election to be conducted as provided in sections 46.9 and~~
35 46.10. A commissioner shall be deemed to have submitted a

1 resignation if the commissioner fails to attend a meeting of
2 the commission that is properly noticed under section 46.13
3 and at which the commission conducts interviews or selects
4 nominees for judicial office. The appointing authority of
5 the commissioner in the appointing authority's discretion may
6 accept or reject the resignation. If the appointing authority
7 accepts the resignation, the appointing authority shall notify
8 the commissioner and the chairperson of the commission in
9 writing and shall then make another appointment.

10 ~~3. Vacancies in the office of elective judicial nominating~~
11 ~~commissioner of district judicial nominating commissions shall~~
12 ~~be filled consistent with eligibility requirements and by~~
13 ~~majority vote of the authorized number of elective members of~~
14 ~~the particular commission, at a meeting of such members called~~
15 ~~in the manner provided in [section 46.13](#). The term of judicial~~
16 ~~nominating commissioners so chosen shall commence upon their~~
17 ~~selection.~~

18 ~~4.~~ 3. If a vacancy occurs in the office of chairperson of
19 a judicial nominating commission, the governor shall appoint
20 a new chairperson. If the governor has not yet filled the
21 vacancy by the time of a commission meeting, or in the absence
22 of the chairperson, the members of the particular commission
23 shall elect a temporary chairperson from their own number.

24 ~~5. When a vacancy in an office of an elective judicial~~
25 ~~nominating commissioner occurs, the state court administrator~~
26 ~~shall cause to be mailed to each member of the bar whose name~~
27 ~~appears on the certified list prepared pursuant to section 46.8~~
28 ~~for the district or districts affected, a notice stating the~~
29 ~~existence of the vacancy, the requirements for eligibility,~~
30 ~~and the manner in which the vacancy will be filled. Other~~
31 ~~items may be included in the same mailing if they are on sheets~~
32 ~~separate from the notice. The election of a district judicial~~
33 ~~nominating commissioner or the close of nominations for a state~~
34 ~~judicial nominating commissioner shall not occur until thirty~~
35 ~~days after the mailing of the notice.~~

1 4. For purposes of this section, "appointing authority"
2 means the holder of the office that appointed the person to be
3 a commissioner.

4 Sec. 8. Section 46.6, Code 2019, is amended to read as
5 follows:

6 **46.6 ~~Equal seniority~~ Chairperson.**

7 ~~If the judges of longest service, other than the chief~~
8 ~~justice, of the supreme court or of the district court~~
9 ~~in a district are of equal service, the eldest of such~~
10 ~~judges shall be chairperson of the particular judicial~~
11 ~~nominating commission. The governor shall appoint one of the~~
12 ~~commissioners appointed by the governor or the legislative~~
13 ~~leaders on each judicial nominating commission to serve as the~~
14 ~~chairperson of the particular judicial nominating commission~~
15 ~~for a two-year term as chairperson. If a chairperson of~~
16 ~~a judicial nominating commission desires to be relieved~~
17 ~~of the duties of chairperson while retaining the status of~~
18 ~~commissioner, the chairperson shall notify the governor, and~~
19 ~~the governor shall appoint another commissioner to serve as~~
20 ~~chairperson for the remainder of the two-year term.~~

21 Sec. 9. Section 46.11, Code 2019, is amended to read as
22 follows:

23 **46.11 Certification of commissioners.**

24 ~~The~~ Upon making an appointment, the ~~governor and the~~
25 ~~state court administrator respectively or legislative leader~~
26 shall promptly certify the names and addresses of appointive
27 and elective judicial nominating commissioners to the state
28 commissioner of elections and the chairperson of the respective
29 nominating commissions.

30 Sec. 10. Section 46.12, subsection 1, Code 2019, is amended
31 to read as follows:

32 1. When a vacancy occurs or will occur within one hundred
33 twenty days in the supreme court, the court of appeals, or
34 district court, the state commissioner of elections shall
35 forthwith so notify the chairperson of the proper judicial

1 nominating commission. The chairperson shall call a meeting
2 of the commission within ten days after such notice; if the
3 chairperson fails to do so, the ~~chief justice~~ governor shall
4 call such meeting.

5 Sec. 11. Section 46.13, Code 2019, is amended to read as
6 follows:

7 **46.13 Notice of meetings and application process.**

8 1. The chairperson of each judicial nominating commission
9 shall give the members of the commission at least five days'
10 written notice by mail or electronic mail of the time and place
11 of every meeting, except as to members who execute written
12 waivers of notice at or before the meeting or unless the
13 commission at its next previous meeting designated the time and
14 place of the meeting.

15 2. Each commission, with the technical support of the
16 judicial branch, shall publish all of the following on the
17 judicial branch website:

18 a. Notice that the commission is accepting applications
19 for judge or justice along with a copy of the application form
20 at least two weeks before applications are required to be
21 submitted to the commission.

22 b. Copies of nonconfidential application materials submitted
23 by applicants.

24 c. The schedule of applicant interviews before the
25 commission.

26 d. The list of nominees submitted by the commission to the
27 governor and the chief justice.

28 3. Commissioners shall be permitted to conduct individual
29 interviews with applicants in advance of the commission's
30 meetings to choose the nominees.

31 Sec. 12. Section 46.14, subsection 1, Code 2019, is amended
32 to read as follows:

33 1. Each judicial nominating commission shall carefully
34 consider the individuals available for judge, and within sixty
35 days after receiving notice of a vacancy shall certify to the

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

20 Sec. 13. Section 46.14A, Code 2019, is amended to read as
21 follows:

22 **46.14A Court of appeals — nominees.**

23 Vacancies in the court of appeals shall be filled by
24 appointment by the governor from a list of nominees submitted
25 by the state judicial nominating commission. ~~Three~~ Five
26 nominees shall be submitted for each vacancy. Nominees to the
27 court of appeals shall have the qualifications prescribed for
28 nominees to the supreme court.

29 Sec. 14. Section 602.6201, subsection 2, Code 2019, is
30 amended to read as follows:

31 2. A district judge must be a resident of the judicial
32 election district in which appointed ~~and retained~~ before
33 assuming office and during the entire term of office. Subject
34 to the provision for reassignment of judges under section
35 602.6108, a district judge shall serve in the district of the

1 judge's residence while in office, regardless of the number of
2 judgeships to which the district is entitled under the formula
3 prescribed by the supreme court in [subsection 3](#).

4 Sec. 15. Section 602.6504, subsection 3, Code 2019, is
5 amended to read as follows:

6 3. ~~An attorney is~~ To be eligible to vote in elections of
7 magistrate appointing commissioners within a county if eligible
8 to vote under [sections 46.7](#) and [46.8](#), and if a resident of
9 the county, an attorney must be eligible to practice and
10 must be a resident of the county as shown by the attorney's
11 most recent filing with the supreme court for the purpose of
12 showing compliance with the court's continuing legal education
13 requirements, or for attorneys eligible to practice who are
14 not required to file such compliance, any paper on file by
15 July 1 with the state court administrator, for the purpose of
16 establishing eligibility to vote under this section, which the
17 court determines to show the requisite residency requirements.
18 A judge who has been admitted to the bar of the state of Iowa
19 shall be considered an attorney. Each year, the state court
20 administrator shall certify a list of the names, addresses, and
21 years of admission of members of the bar who are eligible to
22 vote for the magistrate appointing commission.

23 Sec. 16. Section 602.8102, subsection 14, Code 2019, is
24 amended by striking the subsection.

25 Sec. 17. REPEAL. Sections 46.7, 46.8, 46.9, 46.9A, 46.10,
26 and 602.11111, Code 2019, are repealed.

27 Sec. 18. EFFECTIVE UPON ENACTMENT. This division of this
28 Act, being deemed of immediate importance, takes effect upon
29 enactment.

30 DIVISION II

31 ASSOCIATE JUDGE SELECTION

32 Sec. 19. Section 602.2301, subsection 2, Code 2019, is
33 amended to read as follows:

34 2. Notwithstanding [sections 602.6304](#), [602.7103B](#), and
35 [633.20B](#), the chief justice may order ~~any county magistrate~~

1 ~~appointing commission~~ the state commissioner of elections
2 to delay, for budgetary reasons, ~~publicizing the notice the~~
3 sending of a notification to the proper judicial nominating
4 commission that a vacancy in the office of a vacancy for
5 a district associate ~~judgeship judge~~, associate juvenile
6 ~~judgeship judge~~, or associate probate ~~judgeship judge~~ has
7 occurred or will occur.

8 Sec. 20. Section 602.6302, subsection 2, Code 2019, is
9 amended to read as follows:

10 2. An order of substitution shall not take effect unless
11 a copy of the order is received by the chairperson of the
12 county magistrate appointing commission or commissions and the
13 chairperson of the district judicial nominating commission no
14 later than May 31 of the year in which the substitution is to
15 take effect. A copy of the order shall also be sent to the
16 state court administrator.

17 Sec. 21. Section 602.6303, subsection 2, Code 2019, is
18 amended to read as follows:

19 2. An order of substitution shall not take effect unless
20 a copy of the order is received by the chairperson of the
21 county magistrate appointing commission or commissions and the
22 chairperson of the district judicial nominating commission
23 no later than May 31 of the year in which the substitution
24 is to take effect. The order shall designate the county of
25 appointment for each magistrate. A copy of the order shall
26 also be sent to the state court administrator.

27 Sec. 22. Section 602.6304, Code 2019, is amended to read as
28 follows:

29 **602.6304 Appointment and resignation of district associate**
30 **judges.**

31 1. The district associate judges authorized by sections
32 602.6301 and **602.6302** shall be appointed by the ~~district~~
33 ~~judges of the judicial election district~~ governor from persons
34 nominated by the ~~county magistrate appointing~~ district judicial
35 nominating commission in the same manner as district judges

1 ~~under chapter 46. In the case of a district associate judge~~
2 ~~to be appointed to more than one county, the appointment~~
3 ~~shall be from persons nominated by the county magistrate~~
4 ~~appointing commissions acting jointly and in the case of a~~
5 ~~district associate judge to be appointed to more than one~~
6 ~~judicial election district of the same judicial district, the~~
7 ~~appointment shall be by a majority of the district judges in~~
8 ~~each judicial election district.~~

9 2. ~~In November of any year in which an impending vacancy is~~
10 ~~created because a district associate judge is not retained in~~
11 ~~office pursuant to a judicial election, the county magistrate~~
12 ~~appointing commission shall publicize notice of the vacancy in~~
13 ~~at least two publications in the official county newspaper.~~
14 ~~The commission shall accept applications for consideration~~
15 ~~for nomination as district associate judge for a minimum of~~
16 ~~fifteen days prior to certifying nominations. The commission~~
17 ~~shall consider the applications and shall, by majority vote,~~
18 ~~certify to the chief judge of the judicial district not later~~
19 ~~than December 15 of that year the names of three applicants~~
20 ~~who are nominated by the commission for the vacancy. If there~~
21 ~~are three or fewer applicants the commission shall certify all~~
22 ~~applicants who meet the statutory qualifications. Nominees~~
23 ~~shall be chosen solely on the basis of the qualifications~~
24 ~~of the applicants, and political affiliation shall not be~~
25 ~~considered.~~

26 3. ~~Within thirty days after a county magistrate appointing~~
27 ~~commission receives notification of an actual or impending~~
28 ~~vacancy in the office of district associate judge, other than~~
29 ~~a vacancy referred to in [subsection 2](#), the commission shall~~
30 ~~certify to the chief judge of the judicial district the names~~
31 ~~of three applicants who are nominated by the commission for~~
32 ~~the vacancy. The commission shall publicize notice of the~~
33 ~~vacancy in at least two publications in the official county~~
34 ~~newspaper. The commission shall accept applications for~~
35 ~~consideration for nomination as district associate judge for~~

1 ~~a minimum of fifteen days prior to certifying nominations.~~
2 ~~The commission shall consider the applications and shall, by~~
3 ~~majority vote, certify to the chief judge of the judicial~~
4 ~~district the names of three applicants who are nominated by~~
5 ~~the commission for the vacancy. If there are three or fewer~~
6 ~~applicants the commission shall certify all applicants who~~
7 ~~meet the statutory qualifications. Nominees shall be chosen~~
8 ~~solely on the basis of the qualifications of the applicants,~~
9 ~~and political affiliation shall not be considered. As used in~~
10 ~~this subsection, a vacancy is created by the death, retirement,~~
11 ~~resignation, or removal of a district associate judge, or by an~~
12 ~~increase in the number of positions authorized.~~

13 ~~4. Within fifteen days after the chief judge of a judicial~~
14 ~~district has received the list of nominees to fill a vacancy in~~
15 ~~the office of district associate judge, the district judges in~~
16 ~~the judicial election district shall, by majority vote, appoint~~
17 ~~one of those nominees to fill the vacancy.~~

18 ~~5. 2. A district associate judge who seeks to resign~~
19 ~~from the office of district associate judge shall notify in~~
20 ~~writing the governor, the chief judge of the judicial district,~~
21 ~~and the state commissioner of elections as to the district~~
22 ~~associate judge's intention to resign and the effective date~~
23 ~~of the resignation. The chief judge of the judicial district,~~
24 ~~upon receipt of the notice, shall notify the county magistrate~~
25 ~~appointing commission and the state court administrator of the~~
26 ~~actual or impending vacancy in the office of district associate~~
27 ~~judge due to resignation.~~

28 ~~6. The supreme court may prescribe rules of procedure~~
29 ~~to be used by county magistrate appointing commissions when~~
30 ~~exercising the duties specified in this section.~~

31 ~~3. When a vacancy occurs or will occur within one hundred~~
32 ~~twenty days in the office of district associate judge, the~~
33 ~~state commissioner of elections shall forthwith so notify~~
34 ~~the chairperson of the proper district judicial nominating~~
35 ~~commission. The chairperson shall call a meeting of the~~

1 commission within ten days after such notice. If the
2 chairperson fails to do so, the governor shall call such
3 meeting.

4 Sec. 23. Section 602.6305, subsections 2 and 3, Code 2019,
5 are amended to read as follows:

6 2. A person does not qualify for appointment to the office
7 of district associate judge unless the person is at the time
8 of appointment ~~a resident of the judicial election district in~~
9 ~~which the vacancy exists,~~ licensed to practice law in Iowa,
10 and will be able, measured by the person's age at the time of
11 appointment, to complete the initial term of office prior to
12 reaching age seventy-two. ~~An applicant for district associate~~
13 ~~judge shall file a certified application form, to be provided~~
14 ~~by the supreme court, with the chairperson of the county~~
15 ~~magistrate appointing commission.~~

16 3. A district associate judge must be a resident of the
17 judicial election district in which the office is held before
18 assuming office and during the entire term of office. A
19 district associate judge shall serve within the judicial
20 district in which appointed, as directed by the chief judge,
21 and is subject to reassignment under [section 602.6108](#).

22 Sec. 24. Section 602.6502, Code 2019, is amended to read as
23 follows:

24 **602.6502 Prohibitions to appointment.**

25 A member of a county magistrate appointing commission
26 shall not be appointed to the office of magistrate, ~~and shall~~
27 ~~not be nominated for or appointed to the office of district~~
28 ~~associate judge, office of associate juvenile judge, or office~~
29 ~~of associate probate judge.~~ A member of the commission shall
30 not be eligible to vote for the appointment or nomination of
31 a family member, current law partner, or current business
32 partner. For purposes of [this section](#), "*family member*"
33 means a spouse, son, daughter, brother, sister, uncle, aunt,
34 first cousin, nephew, niece, father-in-law, mother-in-law,
35 son-in-law, daughter-in-law, brother-in-law, sister-in-law,

1 father, mother, stepfather, stepmother, stepson, stepdaughter,
2 stepbrother, stepsister, half brother, or half sister.

3 Sec. 25. Section 602.7103B, Code 2019, is amended to read
4 as follows:

5 **602.7103B Appointment and resignation of full-time associate**
6 **juvenile judges.**

7 1. Full-time associate juvenile judges shall be appointed
8 by the ~~district judges of the judicial election district~~
9 governor from persons nominated by the ~~county magistrate~~
10 appointing district judicial nominating commission in the same
11 manner as district judges under chapter 46. ~~In the case of a~~
12 ~~full-time associate juvenile judge to be appointed to more than~~
13 ~~one county, the appointment shall be from persons nominated by~~
14 ~~the county magistrate appointing commissions acting jointly~~
15 ~~and in the case of a full-time associate juvenile judge to be~~
16 ~~appointed to more than one judicial election district of the~~
17 ~~same judicial district, the appointment shall be by a majority~~
18 ~~of the district judges in each judicial election district.~~

19 2. ~~In November of any year in which an impending vacancy~~
20 ~~is created because a full-time associate juvenile judge is~~
21 ~~not retained in office pursuant to a judicial election, the~~
22 ~~county magistrate appointing commission shall publicize notice~~
23 ~~of the vacancy in at least two publications in the official~~
24 ~~county newspaper. The commission shall accept applications for~~
25 ~~consideration for nomination as full-time associate juvenile~~
26 ~~judge for a minimum of fifteen days prior to certifying~~
27 ~~nominations. The commission shall consider the applications~~
28 ~~and shall, by majority vote, certify to the chief judge of the~~
29 ~~judicial district not later than December 15 of that year the~~
30 ~~names of three applicants who are nominated by the commission~~
31 ~~for the vacancy. If there are three or fewer applicants, the~~
32 ~~commission shall certify all applicants who meet the statutory~~
33 ~~qualifications. Nominees shall be chosen solely on the~~
34 ~~basis of the qualifications of the applicants, and political~~
35 ~~affiliation shall not be considered.~~

1 ~~3. Within thirty days after a county magistrate appointing~~
2 ~~commission receives notification of an actual or impending~~
3 ~~vacancy in the office of full-time associate juvenile~~
4 ~~judge, other than a vacancy referred to in subsection 2, the~~
5 ~~commission shall certify to the chief judge of the judicial~~
6 ~~district the names of three applicants who are nominated~~
7 ~~by the commission for the vacancy. The commission shall~~
8 ~~publicize notice of the vacancy in at least two publications~~
9 ~~in the official county newspaper. The commission shall accept~~
10 ~~applications for consideration for nomination as full-time~~
11 ~~associate juvenile judge for a minimum of fifteen days prior~~
12 ~~to certifying nominations. The commission shall consider the~~
13 ~~applications and shall, by majority vote, certify to the chief~~
14 ~~judge of the judicial district the names of three applicants~~
15 ~~who are nominated by the commission for the vacancy. If there~~
16 ~~are three or fewer applicants, the commission shall certify all~~
17 ~~applicants who meet the statutory qualifications. Nominees~~
18 ~~shall be chosen solely on the basis of the qualifications~~
19 ~~of the applicants, and political affiliation shall not be~~
20 ~~considered. As used in this subsection, a vacancy is created~~
21 ~~by the death, retirement, resignation, or removal of a~~
22 ~~full-time associate juvenile judge, or by an increase in the~~
23 ~~number of positions authorized.~~

24 ~~4. Within fifteen days after the chief judge of a judicial~~
25 ~~district has received the list of nominees to fill a vacancy in~~
26 ~~the office of full-time associate juvenile judge, the district~~
27 ~~judges in the judicial election district shall, by majority~~
28 ~~vote, appoint one of those nominees to fill the vacancy.~~

29 ~~5. 2. A full-time associate juvenile judge who seeks to~~
30 ~~resign from the office of full-time associate juvenile judge~~
31 ~~shall notify in writing the governor, the chief judge of the~~
32 ~~judicial district, and the state commissioner of elections as~~
33 ~~to the full-time associate juvenile judge's intention to resign~~
34 ~~and the effective date of the resignation. The chief judge of~~
35 ~~the judicial district, upon receipt of the notice, shall notify~~

~~1 the county magistrate appointing commission and the state court
2 administrator of the actual or impending vacancy in the office
3 of full-time associate juvenile judge due to resignation.~~

~~4 6. The supreme court may prescribe rules of procedure
5 to be used by county magistrate appointing commissions when
6 exercising the duties specified in this section.~~

7 3. When a vacancy occurs or will occur within one hundred
8 twenty days in the office of full-time associate juvenile
9 judge, the state commissioner of elections shall forthwith
10 so notify the chairperson of the proper district judicial
11 nominating commission. The chairperson shall call a meeting
12 of the commission within ten days after such notice. If
13 the chairperson fails to do so, the governor shall call such
14 meeting.

15 Sec. 26. Section 602.7103C, subsections 2 and 3, Code 2019,
16 are amended to read as follows:

17 2. A person does not qualify for appointment to the office
18 of full-time associate juvenile judge unless the person is at
19 the time of appointment ~~a resident of the county in which the~~
20 ~~vacancy exists,~~ licensed to practice law in Iowa, and will be
21 able, measured by the person's age at the time of appointment,
22 to complete the initial term of office prior to reaching age
23 seventy-two. ~~An applicant for full-time associate juvenile~~
24 ~~judge shall file a certified application form, to be provided~~
25 ~~by the supreme court, with the chairperson of the county~~
26 ~~magistrate appointing commission.~~

27 3. A full-time associate juvenile judge must be a resident
28 of ~~a county~~ the judicial election district in which the office
29 is held before assuming office and during the entire term of
30 office. A full-time associate juvenile judge shall serve
31 within the judicial district in which appointed, as directed by
32 the chief judge, and is subject to reassignment under section
33 602.6108.

34 Sec. 27. Section 633.20B, Code 2019, is amended to read as
35 follows:

1 **633.20B Appointment and resignation of full-time associate**
2 **probate judges.**

3 1. Full-time associate probate judges shall be appointed by
4 ~~the district judges of the judicial election district governor~~
5 ~~from persons nominated by the county magistrate appointing~~
6 ~~district judicial nominating commission in the same manner as~~
7 ~~district judges under chapter 46. In the case of a full-time~~
8 ~~associate probate judge to be appointed to more than one~~
9 ~~county, the appointment shall be from persons nominated by~~
10 ~~the county magistrate appointing commissions acting jointly~~
11 ~~and in the case of a full-time associate probate judge to be~~
12 ~~appointed to more than one judicial election district of the~~
13 ~~same judicial district, the appointment shall be by a majority~~
14 ~~of the district judges in each judicial election district.~~

15 2. ~~In November of any year in which an impending vacancy~~
16 ~~is created because a full-time associate probate judge is~~
17 ~~not retained in office pursuant to a judicial election, the~~
18 ~~county magistrate appointing commission shall publicize notice~~
19 ~~of the vacancy in at least two publications in the official~~
20 ~~county newspaper. The commission shall accept applications~~
21 ~~for consideration for nomination as full-time associate~~
22 ~~probate judge for a minimum of fifteen days prior to certifying~~
23 ~~nominations. The commission shall consider the applications~~
24 ~~and shall, by majority vote, certify to the chief judge of the~~
25 ~~judicial district not later than December 15 of that year the~~
26 ~~names of three applicants who are nominated by the commission~~
27 ~~for the vacancy. If there are three or fewer applicants, the~~
28 ~~commission shall certify all applicants who meet the statutory~~
29 ~~qualifications. Nominees shall be chosen solely on the~~
30 ~~basis of the qualifications of the applicants, and political~~
31 ~~affiliation shall not be considered.~~

32 3. ~~Within thirty days after a county magistrate appointing~~
33 ~~commission receives notification of an actual or impending~~
34 ~~vacancy in the office of full-time associate probate judge,~~
35 ~~other than a vacancy referred to in [subsection 2](#), the~~

1 ~~commission shall certify to the chief judge of the judicial~~
2 ~~district the names of three applicants who are nominated~~
3 ~~by the commission for the vacancy. The commission shall~~
4 ~~publicize notice of the vacancy in at least two publications~~
5 ~~in the official county newspaper. The commission shall accept~~
6 ~~applications for consideration for nomination as full-time~~
7 ~~associate probate judge for a minimum of fifteen days prior~~
8 ~~to certifying nominations. The commission shall consider the~~
9 ~~applications and shall, by majority vote, certify to the chief~~
10 ~~judge of the judicial district the names of three applicants~~
11 ~~who are nominated by the commission for the vacancy. If there~~
12 ~~are three or fewer applicants, the commission shall certify all~~
13 ~~applicants who meet the statutory qualifications. Nominees~~
14 ~~shall be chosen solely on the basis of the qualifications~~
15 ~~of the applicants, and political affiliation shall not be~~
16 ~~considered. As used in [this subsection](#), a vacancy is created~~
17 ~~by the death, retirement, resignation, or removal of a~~
18 ~~full-time associate probate judge, or by an increase in the~~
19 ~~number of positions authorized.~~

20 4. ~~Within fifteen days after the chief judge of a judicial~~
21 ~~district has received the list of nominees to fill a vacancy in~~
22 ~~the office of full-time associate probate judge, the district~~
23 ~~judges in the judicial election district shall, by majority~~
24 ~~vote, appoint one of those nominees to fill the vacancy.~~

25 5. 2. A full-time associate probate judge who seeks to
26 resign from the office of full-time associate probate judge
27 shall notify in writing the governor, the chief judge of the
28 judicial district, and the state commissioner of elections as
29 to the full-time associate probate judge's intention to resign
30 and the effective date of the resignation. ~~The chief judge of~~
31 ~~the judicial district, upon receipt of the notice, shall notify~~
32 ~~the county magistrate appointing commission and the state court~~
33 ~~administrator of the actual or impending vacancy in the office~~
34 ~~of full-time associate probate judge due to resignation.~~

35 6. ~~The supreme court may prescribe rules of procedure~~

1 ~~to be used by county magistrate appointing commissions when~~
2 ~~exercising the duties specified in this section.~~

3 3. When a vacancy occurs or will occur within one hundred
4 twenty days in the office of full-time associate probate
5 judge, the state commissioner of elections shall forthwith
6 so notify the chairperson of the proper district judicial
7 nominating commission. The chairperson shall call a meeting
8 of the commission within ten days after such notice. If
9 the chairperson fails to do so, the governor shall call such
10 meeting.

11 Sec. 28. Section 633.20C, subsections 2 and 3, Code 2019,
12 are amended to read as follows:

13 2. A person does not qualify for appointment to the office
14 of full-time associate probate judge unless the person is at
15 the time of appointment ~~a resident of the county in which the~~
16 ~~vacancy exists,~~ licensed to practice law in Iowa, and will be
17 able, measured by the person's age at the time of appointment,
18 to complete the initial term of office prior to reaching age
19 seventy-two. ~~An applicant for full-time associate probate~~
20 ~~judge shall file a certified application form, to be provided~~
21 ~~by the supreme court, with the chairperson of the county~~
22 ~~magistrate appointing commission.~~

23 3. A full-time associate probate judge must be a resident
24 of ~~a county~~ the judicial election district in which the office
25 is held before assuming office and during the entire term of
26 office. A full-time associate probate judge shall serve within
27 the judicial district in which appointed, as directed by the
28 chief judge, and is subject to reassignment under section
29 602.6108.

30 Sec. 29. EFFECTIVE UPON ENACTMENT. This division of this
31 Act, being deemed of immediate importance, takes effect upon
32 enactment.

33 DIVISION III

34 CHIEF JUSTICE SELECTION

35 Sec. 30. Section 602.4103, Code 2019, is amended to read as

1 follows:

2 **602.4103 Chief justice.**

3 ~~The justices of the supreme court shall select one justice as~~
4 ~~chief justice, to serve during that justice's term of office.~~

5 1. At the first meeting in each odd-numbered year, the
6 justices of the supreme court by majority vote shall designate
7 one justice as chief justice, to serve for a two-year term.
8 A vacancy in the office of chief justice shall be filled for
9 the remainder of the unexpired term by majority vote of the
10 justices of the supreme court, after any vacancy on the court
11 has been filled.

12 2. If the chief justice desires to be relieved of the duties
13 of chief justice while retaining the status of justice of the
14 supreme court, the chief justice shall notify the governor and
15 the other justices of the supreme court. The office of chief
16 justice shall be deemed vacant, and shall be filled as provided
17 in this section.

18 3. The chief justice is eligible for reselection.

19 4. The chief justice shall appoint one of the other justices
20 to act during the absence or inability of the chief justice
21 to act, and when so acting the appointee has all the rights,
22 duties, and powers of the chief justice.

23 Sec. 31. NEW SECTION. 602.4103A Transition provisions.

24 1. The term of the chief justice serving on the effective
25 date of this Act shall expire on January 15, 2021, or upon the
26 conclusion of the first meeting of the justices of the supreme
27 court in January 2021, whichever occurs earlier.

28 2. If the office of chief justice becomes vacant prior to
29 the expiration of the term in January 2021, the office shall be
30 filled for the remainder of the unexpired term as provided for
31 in section 602.4103.

32 3. This section is repealed July 1, 2021.

33

EXPLANATION

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

1 This bill relates to the membership and procedures of the
2 state judicial nominating commission and district judicial
3 nominating commission and to the selection and qualifications
4 of judges, associate judges, and the chief justice.

5 DIVISION I — STATE JUDICIAL NOMINATING COMMISSION. Current
6 law provides that the governor appoint one eligible elector of
7 each congressional district, which is subject to confirmation
8 by the senate, to the state judicial nominating commission.
9 The bill amends Code section 46.1 and provides that the
10 governor shall appoint, without confirmation by the senate,
11 eight eligible electors to the state judicial nominating
12 commission with staggered terms of six years each and made
13 in the month of January for terms commencing February 1 of
14 odd-numbered years. The governor shall appoint at least one
15 commissioner from each congressional district, but there shall
16 be no more than two commissioners appointed from a single
17 congressional district unless each congressional district has
18 at least two commissioners appointed. At least half of the
19 commissioners appointed by the governor shall be admitted to
20 practice law in Iowa. A commissioner who has served a full
21 six-year term on the state judicial nominating commission,
22 whether appointed or elected, is ineligible to be appointed to
23 a second term. The bill further provides that no person may be
24 appointed as a commissioner who holds an office of profit of
25 the United States or of Iowa at the time of appointment.

26 Current law provides that the resident members of the bar
27 of each congressional district shall elect an eligible elector
28 of the district to the state judicial nominating commission.
29 The bill amends Code section 46.2 such that resident members
30 of the bar shall not elect eligible electors to the state
31 judicial nominating commission. Instead, the speaker of the
32 house, the house minority leader, the senate majority leader,
33 and the senate minority leader shall each appoint two eligible
34 electors of different genders to the state judicial nominating
35 commission. At least one of the commissioners appointed by

1 each legislative leader shall be admitted to practice law
2 in Iowa. The appointments by the legislative leaders are
3 to be staggered terms of six years and made in the month of
4 January for terms commencing February 1 of odd-numbered years
5 and the terms of no more than four nor less than two of the
6 commissioners shall expire within the same two-year period.
7 The bill states that no legislative leader shall make an
8 appointment that results in two commissioners serving from the
9 same congressional district who were appointed by a leader of
10 the same party in the same chamber. An appointment made to
11 replace a commissioner, whether in the middle of a term or upon
12 the expiration of the term, shall be made by the person holding
13 the same legislative leadership position that made the original
14 appointment. A commissioner who has served a full six-year
15 term is ineligible to be appointed to a second six-year term
16 and no person may be appointed who holds an office of profit of
17 the United States or of Iowa at the time of appointment.

18 The bill provides that the terms of the appointed and elected
19 commissioners of the state judicial nominating commission
20 serving on the effective date of the bill shall expire at
21 11:59 p.m. on that date. The terms of the newly appointed
22 commissioners shall then commence at 12:00 a.m. on the day
23 after the effective date of the bill. The initial terms of the
24 commissioners appointed by the governor are as follows: for
25 the first district, there is a male commissioner with a term
26 expiring on January 31, 2021, and a female commissioner with
27 a term expiring on January 31, 2025; for the second district,
28 there is a female commissioner with a term expiring on January
29 31, 2021, and a male commissioner with a term expiring on
30 January 31, 2023; for the third district, there is a female
31 commissioner with a term expiring on January 31, 2023, and a
32 male commissioner with a term expiring on January 31, 2025; and
33 for the fourth district, there is a male commissioner with a
34 term expiring on January 31, 2021, and a female commissioner
35 with a term expiring on January 31, 2025. The initial terms

1 of the commissioners appointed by the legislative leaders
2 are as follows: the speaker of the house shall appoint one
3 male commissioner with a term expiring on January 31, 2023,
4 and one female commissioner with a term expiring on January
5 31, 2025; the house minority leader shall appoint one male
6 commissioner with a term expiring on January 31, 2023, and one
7 female commissioner with a term expiring on January 31, 2025;
8 the senate majority leader shall appoint one male commissioner
9 with a term expiring on January 31, 2021, and one female
10 commissioner with a term expiring on January 31, 2023; and the
11 senate minority leader shall appoint one male commissioner
12 with a term expiring on January 31, 2021, and one female
13 commissioner with a term expiring on January 31, 2023. After
14 the initial terms are served, commissioners shall be appointed
15 to six-year terms by the governor and by the legislative
16 leaders as provided.

17 DISTRICT JUDICIAL NOMINATING COMMISSION. The bill provides
18 that the governor shall appoint four eligible electors of each
19 judicial election district to the district judicial nominating
20 commission whereas current law provides for the appointment
21 of five such electors. These appointments are to be made
22 in the month of January for terms commencing February 1 of
23 odd-numbered years. No more than half of the commissioners
24 appointed by the governor shall be of the same gender; all
25 commissioners shall be chosen without reference to political
26 affiliation; and no person may be appointed who holds an
27 office of profit of the United States or of Iowa at the time of
28 appointment.

29 Current law provides that the resident members of the bar
30 of each judicial election district shall elect five eligible
31 electors of the district to the district judicial nominating
32 commission. The bill amends Code section 46.4 such that
33 resident members of the bar shall not elect eligible electors
34 to the district judicial nominating commission and provides
35 that the speaker of the house, house minority leader, senate

1 majority leader, and senate minority leader shall each appoint
2 one eligible elector to each district judicial nominating
3 commission. All the commissioners appointed by the legislative
4 leaders shall be admitted to practice law in Iowa. These
5 appointments are to be staggered terms of six years made
6 in the month of January for terms commencing February 1 of
7 odd-numbered years. The terms of no more than two of the
8 commissioners appointed by legislative leaders on a district
9 judicial nominating commission shall expire within the same
10 two-year period. All commissioners must be chosen without
11 reference to political affiliation and due consideration is to
12 be given to area representation on the commission when making
13 an appointment. An appointment made to replace a commissioner
14 shall be made by the person holding the same legislative
15 leadership position that made the original appointment. A
16 person appointed to replace a commissioner in the middle of
17 a term must be of the same gender as the commissioner being
18 replaced, but a person appointed to replace a commissioner
19 upon the end of a term shall be of a different gender than the
20 commissioner being replaced. A commissioner who has served a
21 full six-year term is ineligible to be appointed to a second
22 six-year term and no person may be appointed who holds an
23 office of profit of the United States or of Iowa at the time of
24 appointment.

25 The bill creates a new Code section providing for the special
26 appointment of district judicial nominating commissioners.
27 The terms of the appointed and elected commissioners of
28 the district judicial nominating commission serving on the
29 effective date of the bill expire at 11:59 p.m. on that date
30 and the terms of the newly appointed commissioners of the
31 district judicial nominating commission shall commence at 12:00
32 a.m. on the day after the effective date of the bill. In
33 judicial election districts 1A, 2A, 3A, 5A, 5C, 8A, and the
34 seventh judicial district, the governor shall appoint one male
35 commissioner with a term expiring on January 31, 2021, one

1 female commissioner with a term expiring on January 31, 2021,
2 one male commissioner with a term expiring on January 31, 2023,
3 and one female commissioner with a term expiring on January 31,
4 2025. In judicial election districts 1B, 2B, 3B, 5B, 5C, 8B,
5 and the fourth and sixth districts, the governor shall appoint
6 one female commissioner with a term expiring on January 31,
7 2021, one male commissioner with a term expiring on January 31,
8 2023, one female commissioner with a term expiring on January
9 31, 2025, and one male commissioner with a term expiring on
10 January 31, 2025.

11 The initial terms of the commissioners appointed by the
12 legislative leaders in judicial election districts 1A, 2A,
13 3A, 5A, 5C, 8A, and the seventh district are as follows: the
14 speaker of the house shall appoint one male commissioner with a
15 term expiring on January 31, 2023; the house minority leader
16 shall appoint one female commissioner with a term expiring on
17 January 31, 2023; the senate majority leader shall appoint
18 one female commissioner with a term expiring on January 31,
19 2025; and the senate minority leader shall appoint one male
20 commissioner with a term expiring on January 31, 2025. The
21 initial terms of the commissioners appointed by legislative
22 leaders in judicial election districts 1B, 2B, 3B, 5B, 8B, and
23 the fourth and sixth districts are as follows: the speaker of
24 the house shall appoint one female commissioner with a term
25 expiring on January 31, 2021; the house minority leader shall
26 appoint one male commissioner with a term expiring on January
27 31, 2021; the senate majority leader shall appoint one male
28 commissioner with a term expiring on January 31, 2023; and the
29 senate minority leader shall appoint one female commissioner
30 with a term expiring on January 31, 2023.

31 After the initial terms are served, commissioners shall be
32 appointed to six-year terms by the governor and legislative
33 leaders as provided by the bill.

34 The bill further provides changes to judicial nominating
35 commissioner vacancies. A commissioner shall be deemed to have

1 submitted a resignation if the commissioner fails to attend a
2 meeting of the commission that is properly noticed and at which
3 the commission conducts interviews or selects nominees for
4 judicial office. The appointing authority of said commissioner
5 may accept or reject the resignation and, if accepted, the
6 appointing authority shall notify the commissioner and the
7 chairperson of the commission in writing and shall then make
8 another appointment. Where there is a vacancy in the office of
9 chairperson of a judicial nominating commission, the governor
10 shall appoint a new chairperson, but if not filled by the time
11 of a commission meeting or in the absence of the chairperson,
12 the members of the particular commission shall elect a
13 temporary chairperson. The bill also provides conforming
14 changes to Code section 46.5 in complying with the new
15 appointment procedures by the governor and legislative leaders.

16 The bill also provides that the governor shall appoint one of
17 the commissioners appointed by the governor or the legislative
18 leaders on each judicial nominating commission to serve as the
19 chairperson of the particular judicial nominating commission
20 for a two-year term and that if the chairperson desires to be
21 relieved of the duties of chairperson, the chairperson shall
22 notify the governor and the governor shall appoint another
23 commissioner to serve as chairperson for the remainder of the
24 two-year term.

25 The bill repeals the following Code sections that relate to
26 nominations made by members of the state bar: Code sections
27 46.7 (eligibility of state bar member to vote); 46.8 (certified
28 list of members of the bar eligible to vote); 46.9 (conduct of
29 elections); 46.9A (notice of preceding nomination of elective
30 nominating commissioners); and 46.10 (nomination of elective
31 nominating commissioners).

32 The bill provides that the governor and the legislative
33 leaders shall promptly certify the names and addresses
34 of appointive judicial nominating commissioners to the
35 state commissioner of elections and the chairperson of the

1 respective nominating commissions. Current law provides such
2 certification is done by the governor and the state court
3 administrator.

4 The bill provides that if a chairperson fails to call a
5 meeting of the commission within 10 days after notice of a
6 vacancy, that the governor shall call a meeting whereas current
7 law provides that the chief justice shall call said meeting.

8 The bill provides that each judicial nominating commission
9 shall publish on the judicial branch website all of the
10 following: notice that the commission is accepting
11 applications along with a copy of the application form at least
12 two weeks before applications are required to be submitted;
13 copies of nonconfidential application materials submitted by
14 applications; the schedule of applicants' interviews before
15 the commission; and the list of nominees submitted by the
16 commission to the governor and the chief justice. The bill
17 further provides that commissioners shall be permitted to
18 conduct individual interviews with applicants in advance of the
19 commission's meetings to choose the nominees.

20 The bill modifies the nomination requirements of individual
21 judge vacancies by requiring nominees to be residents of the
22 state whereas current law requires nominees to be residents
23 of the state or the district of the court to which they are
24 nominated. Under the bill, nominees are also not required
25 to file a certified application form with the chairperson of
26 the district judicial nominating commission. The bill further
27 requires that the chairperson of the commission certify the
28 names of the nominees to the governor and chief justice by
29 emailing the certification to the governor and chief justice on
30 the day of nomination.

31 The bill amends the number of nominees to be submitted by
32 the state judicial nominating commission to the governor for
33 vacancies in the court of appeals from three to five.

34 Current law requires a district judge to be a resident of
35 the judicial election district in which appointed and retained.

1 The bill provides that a district judge must be a resident
2 of the judicial election district in which appointed before
3 assuming office and during the entire term of office.

4 The bill provides that for an attorney to be eligible to
5 vote in elections of magistrate appointing commissioners within
6 a county, the attorney must be eligible to practice and must
7 be a resident of the county. Each year, the state court
8 administrator shall certify a list of the names, addresses, and
9 years of admission of members of the bar who are eligible to
10 vote for the magistrate appointing commission.

11 The bill repeals Code section 602.11111, which provided for
12 transition provisions for the membership of district judicial
13 nominating commissions for judicial election districts 5A and
14 5C after the fifth judicial district was split into judicial
15 election districts in 1985.

16 Division I of the bill takes effect upon enactment.

17 DIVISION II — ASSOCIATE JUDGE SELECTION. The bill provides
18 that the chief justice may order the state commissioner of
19 elections to delay the sending of a notification to the proper
20 judicial nominating commission that a vacancy in the office
21 of district associate judge, associate juvenile judge, or
22 associate probate judge has occurred or will occur.

23 Under the bill, where a chief judge designates by order of
24 substitution that a district associate judge be appointed in
25 lieu of a magistrate judge or where the chief judge designates
26 by order of substitution that three magistrates be appointed
27 in lieu of the appointment of a district associate judge,
28 the order of substitution does not take effect unless a copy
29 of said order is received by the chairperson of the county
30 magistrate appointing commission or commissions and the
31 chairperson of the district judicial nominating commission.

32 Current law provides that district associate judges,
33 full-time associate juvenile judges, and full-time associate
34 probate judges are to be appointed by the district judges of
35 the judicial election district from persons nominated by the

1 county magistrate appointing commission. The bill provides
2 that district associate judges, full-time associate juvenile
3 judges, and full-time associate probate judges are appointed by
4 the governor from persons nominated by the district judicial
5 nominating commission in the same manner as district judges
6 under Code chapter 46. The bill further provides that a
7 district associate judge, a full-time associate juvenile judge,
8 or a full-time associate probate judge who seeks to resign from
9 said position shall notify the governor, the chief judge of the
10 judicial district, and the state commissioner of elections.
11 When a vacancy occurs, the state commissioner of elections
12 shall forthwith so notify the chairperson of the proper
13 judicial nominating commission, and the chairperson shall call
14 a meeting of the commission within 10 days after such notice.
15 If the chairperson fails to do so, the governor shall call the
16 meeting.

17 Current law provides that a person does not qualify for
18 appointment to the office of district associate judge,
19 full-time associate juvenile judge, or full-time associate
20 probate judge unless the person is at the time of appointment a
21 resident of the judicial election district in which the vacancy
22 exists. The bill strikes this requirement and provides that
23 an applicant for district associate judge, full-time associate
24 juvenile judge, or full-time associate probate judge need not
25 file a certified application form. The bill provides that a
26 district associate judge, a full-time associate juvenile judge,
27 and a full-time associate probate judge must be a resident of
28 the judicial election district in which the office is held
29 before assuming office and during the entire term of office.

30 Division II of the bill takes effect upon enactment.

31 DIVISION III — CHIEF JUSTICE SELECTION. Current law
32 provides that the justices of the supreme court shall select
33 one justice as chief justice who is to serve during that
34 justice's term of office. The bill strikes that provision
35 and provides that at the first meeting in each odd-numbered

1 year, the justices of the supreme court by majority vote
2 shall designate one justice as chief justice, to serve for a
3 two-year term. A vacancy will be filled for the remainder of
4 the unexpired term by a majority vote of the justices of the
5 supreme court, after any vacancy on the court has been filled.
6 If the chief justice desires to be relieved of the duties of
7 chief justice while retaining the status of justice of the
8 supreme court, the chief justice shall notify the governor
9 and the other justices of the supreme court and the office of
10 chief justice shall be deemed vacant and filled as provided.
11 The bill creates a new Code section for the transition period
12 and provides that the term of the chief justice serving on the
13 effective date of the bill will expire on January 15, 2021, or
14 upon the conclusion of the first meeting of the justices of the
15 supreme court in January 2021, whichever occurs earlier. If
16 the office of chief justice becomes vacant prior to expiration
17 of the term in January 2021, the office shall be filled for the
18 remainder of the unexpired term as provided for in Code section
19 602.4103.