

Senate File 2317 - Introduced

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BY GARRETT

A BILL FOR

1 An Act relating to state and district judicial nominating
2 commissions and county magistrate appointing commissions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 46.1, Code 2024, is amended to read as
2 follows:

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

4 1. The governor shall appoint, subject to confirmation
5 by the senate, ~~nine~~ seventeen eligible electors to the state
6 judicial nominating commission.

7 2. The appointments made by the governor shall be
8 staggered terms of six years each, ~~and shall begin and end in~~
9 ~~even-numbered years~~ as provided in section 69.19. ~~The terms~~
10 ~~of no more than three nor less than two of the commissioners~~
11 ~~shall expire within the same two-year period. The terms of~~
12 nine commissioners shall begin and end in even-numbered years,
13 and the terms of eight commissioners shall begin and end in
14 odd-numbered years.

15 ~~3. No more than a simple majority of the commissioners~~
16 ~~appointed by the governor shall be of the same gender.~~

17 ~~4. 3.~~ All commissioners shall be chosen without reference
18 to political affiliation.

19 ~~5. 4.~~ There shall be at least ~~one commissioner~~ four
20 commissioners appointed by the governor from each congressional
21 district ~~and there shall not be more than two commissioners~~
22 ~~appointed by the governor from a single congressional~~
23 ~~district unless each congressional district has at least two~~
24 ~~commissioners appointed by the governor. The governor shall~~
25 appoint one commissioner from the state at large.

26 ~~6. 5.~~ A commissioner who has served a full six-year
27 term on the state judicial nominating commission, ~~whether the~~
28 ~~commissioner was appointed or elected,~~ shall be ineligible to
29 be appointed to a second six-year term.

30 ~~7. 6.~~ ~~No~~ A person ~~may~~ shall not be appointed who holds an
31 office of profit of the United States or of the state at the
32 time of appointment.

33 Sec. 2. Section 46.3, subsection 1, Code 2024, is amended
34 to read as follows:

35 1. The governor shall appoint ~~five~~ seven eligible electors

1 of each judicial election district to the district judicial
2 nominating commission.

3 Sec. 3. Section 46.3, subsections 3 and 4, Code 2024, are
4 amended by striking the subsections.

5 Sec. 4. Section 46.3, Code 2024, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 5. At least one commissioner shall be
8 licensed to practice law in the courts of this state. A person
9 shall not be appointed who holds an office of profit of the
10 United States or of the state at the time of appointment.

11 Sec. 5. Section 46.5, subsection 3, Code 2024, is amended by
12 striking the subsection.

13 Sec. 6. Section 46.5, subsections 4, 5, and 6, Code 2024,
14 are amended to read as follows:

15 4. If a vacancy occurs in the office of chairperson of
16 the ~~state~~ judicial nominating commission, the members of the
17 commission shall elect a new chairperson as provided in section
18 46.6. ~~If a vacancy occurs in the office of chairperson of a~~
19 ~~district judicial nominating commission or in the absence of~~
20 ~~the chairperson, the members of the particular commission shall~~
21 ~~elect a temporary chairperson from their own number.~~

22 5. Notwithstanding [section 69.1A](#), ~~appointed and elected~~
23 ~~commissioners on the state and district judicial nominating~~
24 ~~commissions~~ shall not hold over until their successor is
25 appointed ~~or elected and qualified.~~

26 6. All judicial nominating commissioners, ~~including~~
27 ~~those elected by the bar,~~ shall be subject to removal by
28 the executive council in the same manner as appointive state
29 officers under [section 66.26](#). When the status of a judicial
30 nominating commissioner is in question, the governor shall be
31 the officer responsible for deciding whether a vacancy exists
32 under [section 69.2](#).

33 Sec. 7. Section 46.6, subsection 1, Code 2024, is amended
34 to read as follows:

35 ~~±~~. The commissioners of the state or district judicial

1 nominating commission shall elect a chairperson from their
2 own number. The chairperson shall serve a two-year term that
3 expires on April 30 of even-numbered years. A commissioner
4 may be reelected for a second or third term as chairperson.
5 If a chairperson of a judicial nominating commission desires
6 to be relieved of the duties of chairperson while retaining
7 the status of commissioner, the chairperson shall notify the
8 governor and the other commissioners of the commission. At the
9 next meeting of the commission, the commissioners shall elect a
10 new chairperson for the remainder of the two-year term.

11 Sec. 8. Section 46.6, subsection 2, Code 2024, is amended by
12 striking the subsection.

13 Sec. 9. Section 602.6501, subsection 1, Code 2024, is
14 amended by striking the subsection and inserting in lieu
15 thereof the following:

16 1. A magistrate appointing commission is established in
17 each county. The commission shall be composed of three members
18 appointed by the board of supervisors.

19 Sec. 10. Section 602.6503, Code 2024, is amended to read as
20 follows:

21 **602.6503 Commissioners appointed by a county.**

22 1. The board of supervisors of each county shall appoint
23 three electors to the magistrate appointing commission for
24 the county for six-year terms ~~beginning January 1, 1979, and~~
25 ~~each sixth year thereafter. However, if there is only one~~
26 ~~attorney elected pursuant to [section 602.6504](#), the county board~~
27 ~~of supervisors shall only appoint two commissioners, and if~~
28 ~~no attorney is elected, the board of supervisors shall only~~
29 ~~appoint one commissioner.~~

30 2. ~~The board of supervisors shall not appoint an attorney or~~
31 ~~an active law enforcement officer to serve as a commissioner.~~

32 3. ~~The county auditor shall certify to the clerk of the~~
33 ~~district court the name, address, and expiration date of term~~
34 ~~for all appointees of the board of supervisors.~~

35 Sec. 11. Section 602.8102, subsection 14, Code 2024, is

1 amended to read as follows:

2 14. Maintain a bar admission list ~~as provided in section~~
3 ~~46.8.~~

4 Sec. 12. REPEAL. Sections 46.2, 46.4, 46.7, 46.8, 46.9,
5 46.9A, 46.10, 46.11, 602.6504, and 602.11111, Code 2024, are
6 repealed.

7

EXPLANATION

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

10 This bill relates to state and district judicial nominating
11 commissions and county magistrate appointing commissions.
12 The bill provides that the governor shall appoint all the
13 commissioners to state and district commissions.

14 For the state commission, of the 17 commissioners, the
15 governor shall appoint at least four commissioners from each
16 congressional district and one commissioner from the state at
17 large. The terms for nine of the commissioners shall begin and
18 end in even-numbered years, and eight shall begin and end in
19 odd-numbered years. Under current law, the governor appoints
20 nine persons to the state commission and resident members of
21 the bar of each congressional district elect two persons of
22 different genders to the commission.

23 Under current law, the members of the bar of each
24 judicial election district elect five commissioners to that
25 district's commission and the governor appoints another five
26 commissioners. The most senior judge in the district serves as
27 chairperson. The bill decreases the number of commissioners on
28 a district commission from 11 to seven, including by removing
29 the most senior judge in the district from the commission.
30 The bill requires that at least one member of the district
31 commission be a licensed attorney in this state.

32 The bill removes the gender balance requirement for state
33 and district commissions.

34 Under current law, a county magistrate appointing commission
35 is comprised of up to six members: a district judge designated

1 by the chief judge of the judicial district, up to three
2 members appointed by the board of supervisors, and up to two
3 attorneys elected by attorneys in the county. The bill reduces
4 the number of members on a county commission to three members
5 appointed by the board of supervisors.

6 The bill makes conforming changes to Code chapter 602
7 (judicial branch).

8 The bill repeals the following Code sections: 46.2
9 (election of state judicial nominating commissioners), 46.4
10 (election of district judicial nominating commissioners), 46.7
11 (eligibility to vote), 46.8 (certified list), 46.9 (conduct
12 of elections), 46.9A (notice preceding nomination of elective
13 nominating commissioners), 46.10 (nomination of elective
14 judicial nominating commissioners), 46.11 (certification of
15 commissioners), 605.6504 (commissioners elected by attorneys),
16 and 602.11111 (judicial nominating commissions for election
17 districts 5A and 5C).