

JOINT RESOLUTIONS

CHAPTER 420

PROPOSED CONSTITUTIONAL AMENDMENT IN RE JUDGES

S. J. R. 7

A. JOINT RESOLUTION proposing to amend article five (V) of the Constitution of the state of Iowa relating to the supervisory and administrative control of the inferior courts by the supreme court; to the qualifications, selection, tenure, compensation, powers and duties of judicial nominating commission members, judges and other judicial officers and to the mandatory retirement with compensation of judges of the supreme and district courts.

Be It Resolved by the General Assembly of the State of Iowa:

1 SECTION 1. An amendment to the Constitution of the State of
2 Iowa as it appears in the Code of 1958 is proposed as follows:

3 Article Five (V) is amended in the following manner:

4 1. Section four (4) is amended by striking from lines eight (8)
5 and nine (9) of such section the words, "exercise a supervisory" and
6 inserting in lieu thereof the words, "shall exercise a supervisory and
7 administrative".

8 2. Sections three (3), five (5), nine (9) and eleven (11) are re-
9 pealed.

10 3. The following sections are added thereto:

11 "Section 15. Vacancies in the Supreme Court and District Court
12 shall be filled by appointment by the Governor from lists of nominees
13 submitted by the appropriate judicial nominating commission. Three
14 nominees shall be submitted for each Supreme Court vacancy, and
15 two nominees shall be submitted for each District Court vacancy. If
16 the Governor fails for thirty days to make the appointment, it shall
17 be made from such nominees by the Chief Justice of the Supreme
18 Court.

19 "Section 16. There shall be a State Judicial Nominating Commis-
20 sion. Such commission shall make nominations to fill vacancies in the
21 Supreme Court. Until July 4, 1973, and thereafter unless otherwise
22 provided by law, the State Judicial Nominating Commission shall be
23 composed and selected as follows: There shall be not less than three
24 nor more than eight appointive members, as provided by law, and an
25 equal number of elective members on such Commission, all of whom
26 shall be electors of the state. The appointive members shall be ap-
27 pointed by the Governor subject to confirmation by the Senate. The
28 elective members shall be elected by the resident members of the bar
29 of the state. The judge of the Supreme Court who is senior in length
30 of service on said Court, other than the Chief Justice, shall also be a
31 member of such Commission and shall be its chairman.

32 "There shall be a District Judicial Nominating Commission in each
33 judicial district of the state. Such commissions shall make nomina-
34 tions to fill vacancies in the District Court within their respective dis-

35 tricts. Until July 4, 1973, and thereafter unless otherwise provided by
36 law, District Judicial Nominating Commissions shall be composed and
37 selected as follows: There shall be not less than three nor more than
38 six appointive members, as provided by law, and an equal number of
39 elective members on each such commission, all of whom shall be
40 electors of the district. The appointive members shall be appointed by
41 the Governor. The elective members shall be elected by the resident
42 members of the bar of the district. The district judge of such district
43 who is senior in length of service shall also be a member of such com-
44 mission and shall be its chairman.

45 "Due consideration shall be given to area representation in the ap-
46 pointment and election of Judicial Nominating Commission members.
47 Appointive and elective members of Judicial Nominating Commissions
48 shall serve for six year terms, shall be ineligible for a second six year
49 term on the same commission, shall hold no office of profit of the
50 United States or of the state during their terms, shall be chosen with-
51 out reference to political affiliation, and shall have such other quali-
52 fications as may be prescribed by law. As near as may be, the terms
53 of one-third of such members shall expire every two years.

54 "Section 17. Members of all courts shall have such tenure in office
55 as may be fixed by law, but terms of Supreme Court Judges shall be
56 not less than eight years and terms of District Court Judges shall be
57 not less than six years. Judges shall serve for one year after appoint-
58 ment and until the first day of January following the next judicial
59 election after the expiration of such year. They shall at such judicial
60 election stand for retention in office on a separate ballot which shall
61 submit the question of whether such judge shall be retained in office
62 for the tenure prescribed for such office and when such tenure is a
63 term of years, on their request, they shall, at the judicial election next
64 before the end of each term, stand again for retention on such ballot.
65 Present Supreme Court and District Court Judges, at the expiration
66 of their respective terms, may be retained in office in like manner for
67 the tenure prescribed for such office. The General Assembly shall
68 prescribe the time for holding judicial elections.

69 "Section 18. Judges of the Supreme Court and District Court shall
70 receive salaries from the state, shall be members of the bar of the state
71 and shall have such other qualifications as may be prescribed by law.
72 Judges of the Supreme Court and District Court shall be ineligible to
73 any other office of the state while serving on said court and for two
74 years thereafter, except that District Judges shall be eligible to the
75 office of Supreme Court Judge. Other judicial officers shall be selected
76 in such manner and shall have such tenure, compensation and other
77 qualification as may be fixed by law. The General Assembly shall
78 prescribe mandatory retirement for Judges of the Supreme Court and
79 District Court at a specified age and shall provide for adequate retire-
80 ment compensation. Retired judges may be subject to special assign-
81 ment to temporary judicial duties by the Supreme Court, as provided
82 by law."

1 SEC. 2. The foregoing proposed amendment to the Constitution of
2 the State of Iowa is hereby referred to the General Assembly to be
3 chosen at the next general election and the Secretary of State is di-
4 rected to cause the same to be published as provided by law for three
5 months previous to the time of making such choice.