

**STATE AND DISTRICT JUDICIAL NOMINATING COMMISSIONS
UNIFORM RULES OF PROCEDURE**

1. Authority: These Rules are adopted pursuant to the authority of Section 46.13(4) of the Iowa Code, as amended by 2019 Iowa Acts Ch. 89, Sec. 58, which requires the State Judicial Nominating Commission to adopt uniform rules for the State and District Judicial Nominating Commissions that are consistent with Iowa Code and provides for a uniform and fair process for the Commissions to consider applicants and select nominees for judicial office.

Article V, Sections 15 and 16 of the Iowa Constitution, Chapter 46 of the Iowa Code, and these Uniform Rules of Procedure govern each nominating process.

2. Duties: In accordance with Iowa Code § 46.14(1), the Commission will evaluate and nominate individuals “upon the basis of their qualifications and without regard to political affiliation.” The Chairperson, Secretary, and Commissioners shall have the following duties:

- CHAIRPERSON:
 - Conduct all meetings.
 - Oversee and conduct the activities of the Commission.
 - Serve as the Commission spokesperson.
 - Ensure statutory compliance and work with the Secretary and the State or District Court Administrator to coordinate Commission activities.
 - Conduct the Commission nomination in closed session.
 - The Chairperson or his or her designate shall read aloud the votes cast in a judicial candidate nomination proceeding.
 - To initiate the background investigation of applicants authorized by Rule 10.
- SECRETARY:
 - Attend meetings or delegate a Commissioner to serve as Secretary Pro Tem.
 - Record a brief summary of the discussions including motion(s) made, seconds in support of the motion(s), and votes cast on any motion(s) or other proceeding(s).
 - Prepare meeting minutes and circulate for Commission approval or amendment.

- Sign and publish the approved minutes to the Commission and the public.
- Prior to the deadline for applications, periodically notify the Chairperson and Commissioners in writing of the list of applicants who have currently submitted applications so that the Commissioners are updated on who has applied so that they can verify that they have received the applicant's materials.
- Devise a method acceptable to the Commission that ensures that the applications by each judicial applicant are sent to and received by each Commission member and the Chairperson.
- Evaluate and verify that each applicant satisfies the age, licensure and residency requirements for nomination.
- Prepare or cause to be prepared a list of the applicants who are legally eligible for balloting and update the Commission website with this list.
- Post all non-confidential application materials including writing samples or other attachments on the Commission website.
- Record minutes of the public Commission meetings. At non-public Commission meetings, record the members present and the results of Commission deliberations.
- Notify by email the Governor, all applicants, the public media and other organizations who have made written requests to the Secretary of the nominees selected.
- In cooperation with the State or District Court Administrator, issue timely notices as required by law and these rules.
- Tally and document the votes for each applicant.
- COMMISSIONERS (Including the Chairperson and Secretary):
 - Attend and participate in Commission meetings.
 - Provide the Secretary their contact information including email, phone number, and U.S. mailing address to be published to the public on the Commission website.
 - May, at their discretion, conduct personal interviews of any or all of the applicants.

- Evaluate and nominate the most qualified persons in accordance with Iowa Code § 46.14.
- Serve on subcommittees as requested by the Chairperson.
- May encourage lawyers and judges to apply for vacancies while expressly stating that encouragement does not constitute a pledge or committed vote of support.
- May communicate with the Governor or Governor's staff about applicants and nominees subject to the confidentiality provision in Rule 14.

3. Election and Terms: The Chairperson shall serve a two-year term that expires on April 30th of even numbered years.

A Commissioner may be reelected for a second or third term as Chairperson. If a Chairperson of a Judicial Nominating Commission desires to be relieved of the duties of Chairperson while retaining the status of Commissioner, the Chairperson shall notify the Governor and the other Commissioners of the Commission. At the next meeting of the Commission, the Commissioners shall elect a new Chairperson for the remainder of the two-year term.

The Judge of the longest service in the District shall serve as the Chair of a particular District Judicial Nominating Commission. If the Judges of the longest service in the District are of equal service, the eldest of such Judges shall be Chairperson of the particular Judicial Nominating Commission.

The term of the Commission Secretary shall be co-terminus with the term of the Chairperson and shall otherwise be governed in the same manner as that of the Chairperson.

4. Notices: The Chairperson and Secretary shall determine the content of the Commission notices to the public. However, vacancy announcements shall include but not be limited to:

- a. The date the Commission received written notice of the vacancy.
- b. The date and place the Commission will meet to conduct applicant interviews and select nominees. This date will not be more than sixty (60) days from the date the Commission receives written notification of the vacancy from the Governor.
- c. Encouragement for the public to submit their opinions of any applicant.
- d. Contact information for Commissioners.

- e. Where one may obtain an application form.
- f. The deadline for submitting applications, which shall be at least two weeks after the date of the notice.

Notices shall be provided to the public media and other organizations who have made written requests to the Secretary and posted on the Commission website.

5. Commission Information: Applicants and any members of the public can download from the Commission website a copy of the application form, the Uniform Rules of Procedure, and a list of the Commissioners and their contact information for purposes of applicants submitting their applications and/or communicating with the members of the Commission including submitting letters commenting on the character or qualifications of the applicants.

6. Completed Applications: Applicants will email to each Commissioner a copy of their Application and any cover letter, writing samples or attachments.

7. Eligibility for Nomination: In order to be eligible for nomination to judicial office, an applicant must, at the time of nomination, be:

- Active and in good standing to practice law in the State of Iowa.
- A resident of Iowa, or for nominees to the District Court, a resident of the judicial election district in which the District Judge vacancy exists. Iowa Code § 46.14; 602.6109(1) (2003).
- Able to serve an initial term of office and one full term before reaching the age of seventy-two. (Initial terms range from fourteen to thirty-eight months as provided in § 46.16 of the Iowa code. Full terms are eight years for Supreme Court Justices and six years for Judges of the Court of Appeals and District Court.)

8. Application: The Commission shall use the most recently approved Uniform Joint Judicial Application.

9. Posting Applications: All nonconfidential application materials, including writing samples or other attachments will be posted on the Commission website.

10. Public Commentary: Written comments regarding the qualifications of an applicant should be sent to all Commissioners electronically at the email address listed on the notice of vacancy. Absent access to email, written comments shall be mailed to the Secretary of the Commission. Previous letters of recommendation or comments will not be considered by the Commission. The Commission may adopt an alternative method of receiving and disseminating written comments regarding the qualifications of an applicant so long as the method adopted assures that each member of the Commission receives the written comments in a timely manner to enable them to evaluate the applicants.

11. Background Investigation: In advance of the Commission interviews, the Chairperson and/or the Chairperson's designee may timely and promptly obtain any information permitted by law on each applicant from any source including but not limited to: the Iowa Division of Criminal Investigation, Commissions of the Iowa Supreme Court including the Attorney Disciplinary Board and the Judicial Qualifications Commission, institutions of higher learning including colleges, universities and law schools, the credit reporting agencies, and current or former employer(s) with whom the applicant has been affiliated.

12. Interviews: A convenient date for the Commissioners to meet for purposes of interviewing the applicants will be determined by soliciting dates that the Commissioners are available to attend a meeting of the full Commission within the time period required by the Iowa Code.

The order of the applicants' interviews will be randomly determined by a process conducted by the Secretary.

13. Secretary Appointment: The Commission should appoint a person to serve as the Secretary for the Commission. The Secretary's duties shall include the items listed in Section 2 of these Internal Rules of Procedure.

14. Confidentiality: Commission deliberations are confidential. Commissioners shall maintain their deliberations as confidential and vote for the most qualified applicants by secret ballot delivered to the Secretary or his/her designee.

15. Voting Method: The Commission will use the successive voting method to select nominees. On the first vote, each Commissioner will vote for the number of applicants that the Commission must nominate (i.e., the State Commission will vote for three applicants for each vacancy and the District Commissions will vote for two applicants for each vacancy). If an applicant receives a majority of the votes of the full statutory Commission membership, the applicant will be deemed nominated. The Commission will continue voting in successive rounds of voting for the number of remaining nominees to be selected (e.g., after the one applicant for the District Court receives six votes, the Commission will vote for only one applicant in successive votes.)

After each ballot is cast and the votes are counted to nominate an applicant as one of the nominees, the applicant(s) with the lowest total count on the first ballot to nominate an applicant as one of the nominees will be eliminated from the voting process and each subsequent balloting to nominate an applicant as one of the nominees will consist of only those applicants who received a vote count higher than the applicant(s) eliminated.

This process of eliminating the applicant(s) with the lowest vote count is suspended after the first nominee is selected and the entire group of applicants can be voted upon anew when the first ballot is cast for the second nominee. The same process shall be followed for the third nominee whereby all applicants are voted upon to select second and third nominees on the first ballot.

One each subsequent ballot for the second and third nominees, the applicant(s) receiving the lowest vote count will be eliminated.

16. Closed Session: The Commission may conduct its meetings in closed session at any time.

17. Quorum/Votes Needed: A majority of the full statutory membership of the Commission shall constitute a quorum (i.e., nine Commissioners of the State Commission or six Commissioners of the District Commission).

A majority of the full statutory membership is also required to nominate an applicant for judicial office. Iowa Code § 46.14(1). But for all other business of the Commission, only a majority of those Commissioners present and voting is required.

18. Number of Nominees: The State Judicial Nominating Commission must nominate three persons for each appellate vacancy, and the District Judicial Nominating Commission must nominate two nominees for each District Court vacancy. The Commission may consider and vote upon nominees to fill more than one vacancy (i.e., 4 nominees for 2 District Court vacancies or 6 nominees for 2 appellate vacancies, etc.) if the circumstances permit more than one vacancy to be filled within the timing requirements of Iowa Code § 46.14.

19. Adjournment: Upon majority vote, the Commission may briefly adjourn and reconvene its proceedings to address any matter that requires additional time.

20. Sensitive Information: If there is sensitive information that the applicant is reluctant to disclose, the applicant may promptly and fully disclose it to the Chairperson and Secretary of the Commission in a separate written document. The Chairperson will promptly disclose it to the other members of the Commission only in a non-public session. If the applicant is nominated by the Commission, the information will also be disclosed to the Governor.

21. Adverse Information: If a Commissioner is aware of any information that reflects adversely on an applicant's qualifications or suitability to be considered for nomination, the Commissioner will promptly disclose the information to fellow Commissioners so that it can be appropriately acted upon and steps can be taken to carefully evaluate the information and/or take other steps including an investigation to verify the information and determine whether it is relevant or otherwise bears on the qualifications of the applicant for purposes of nomination.

22. Conflicts of Interest: In accordance with Iowa Code § 46.14, the Commissioners shall not be eligible to vote for the nomination of a family member, current law partner, or current business partner. For purposes of this subsection, "family member" means a spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

In all other instances where a relationship exists or may exist (or may have existed) between a Commissioner and an applicant, it is incumbent upon the Commissioner exclusively to determine whether the relationship adversely impacts his or her ability to be impartial in the nomination process.

If a Commissioner determines that a current or past relationship with an applicant affects his or her impartiality, he or she shall disclose to the Commission the circumstances giving rise to his or her conclusion and agree to not vote for the applicant.

23. Vote Tallying: The procedure for tallying, recording, and officially reporting the results of the votes that determine who the nominees will be will include the following:

- Each Commissioner will be given a ballot to vote each time a vote is taken.
- The ballots will be provided to the Chairperson or his or her nominee who will read aloud the votes cast.
- The Secretary will tally and document the votes for each applicant.
- The total votes for each applicant will be orally reported to the Commissioners.
- As the vote tallies are announced, the Commissioners can confirm or challenge the Secretary's tally count.
- The Secretary's tally count will thereafter be orally reported to the Chairperson who will certify the results for each applicant who receives the requisite number of votes (6 or more votes for the nomination to the State District Court or 9 votes for nomination to the Iowa Supreme Court or the Iowa Court of Appeals) receives 6 or more votes and those two applicants receiving 6 or more votes will be forwarded to the Governor. Once a vote is certified by the Chairperson, it is final and cannot be challenged.

24. Temporary Chairperson: In the event that the Chairperson is unable to participate in the nominating process or other meeting of the Commission, the Commission shall elect by a majority of the Commissioners present a Temporary Chairperson to conduct the meeting. The Temporary Chairperson shall serve until such time as the regular Chairperson is available to serve so that any matters that cannot be addressed by the regular Chairperson may be addressed by the Temporary Chairperson.

25. Severability: In the event any provision of this Agreement is held invalid, illegal or unenforceable, in whole or in part, the remaining provisions of this Agreement shall not be affected thereby and shall continue to be valid and enforceable. In the event any provision of this Agreement is held to be unenforceable as written, but enforceable if modified, then such provision shall be deemed to be amended to such extent as shall be necessary for such provision to be enforceable and it shall be enforced to that extent.

ADOPTION

These rules have been unanimously adopted by the State Judicial Nominating Commission in accordance with the 2019 amendments to Chapter 46 of the Iowa Code for use by all State and District Court Judicial Nominating Commissions in the State of Iowa.

Dated this 31st day of October, 2019.



Patricia Roberts
Chairperson, State Judicial Nominating Commission



Kathleen Law
Secretary, State Judicial Nominating Commission