

In the Iowa Supreme Court

FILED

JAN 22 2019

In the Matter of Eligibility to Vote )  
in Elections of Judicial )  
Nominating Commissioners )

Order

CLERK SUPREME COURT

The state court administrator is required by Iowa Law to administer the election of judicial nomination commissioners. Iowa Code section 46.8 requires the state court administrator to certify a list of eligible voters every year. Previously, Iowa law required the state court administrator to certify the list of members of the bar who are eligible to vote by July 15 of every year. Even though the July 15 deadline is no longer required by Iowa Law, it has been the practice of the state court administrator to certify the list of eligible voters by that date every year.

Iowa Code section 46.7 identifies the members of the bar who are eligible to vote in elections of judicial nominating commissioners. It provides:

To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must be eligible to practice and must be a resident of the state of Iowa and of the appropriate congressional district or judicial election district as shown by the member's most recent filing with the supreme court for the purposes of showing compliance with the court's continuing legal education requirements, or for members of the bar eligible to practice who are not required to file such compliance, any paper on file by July 1 with the state court administrator, for the purpose of establishing eligibility to vote under this section, which the court determines to show the requisite residency requirements. A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar.

The effect of the Code provisions and practice is that the only members of the bar who have been allowed to vote in the judicial nominating commission elections are those members of the bar who are on the July certified list of eligible voters. It has been brought to the court's attention that this practice disenfranchises some members of the bar, including those members admitted

after the list has been prepared and those members of the bar who became residents of Iowa after the list has been prepared.

The election of judicial nominating commissioners has already commenced, and it is vitally important to protect the integrity of the certified eligible voter list and the ballots already submitted. It is equally important to allow all legally eligible Iowa lawyers to vote.

For the purpose of the current election of judicial nominating commissioners, the court determines that pursuant to Iowa Code section 46.7, the following Iowa lawyers are eligible to be added to the list of certified voters:

- (1) Iowa lawyers not included on the July certified eligible voter list who were admitted to the practice of law in 2018 and meet the requisite residency requirements as shown by the bar admission records available to the state court administrator.
- (2) Iowa lawyers not included on the July certified eligible voter list whose most recent continuing legal education report shows they are a resident of the State of Iowa.

The court determines, pursuant to section 46.7, that members of the bar admitted after the 2018 voter list was certified shall comply with the requisite residency requirements when supported by the application for admission to the bar on or before July 1 and as confirmed by any subsequent paper that identifies the member of the bar as a current Iowa resident.

The court directs the office of professional regulation to submit supplemental lists of the eligible Iowa lawyers to the state court administrator. The state court administrator shall continue to administer the voting for the judicial nominating commissioners and shall include the supplemental lists of eligible Iowa lawyers, in accordance with Iowa law.

Dated this 22nd day of January, 2019

The Iowa Supreme Court

By Mark S. Cady  
Mark S. Cady, Chief Justice

Copies to:

Justices of the Supreme Court  
Chief Judges of the Judicial Districts  
State Court Administrator  
District Court Administrators  
Director of Finance and Personnel, State Court Administration