



State Court Administration

Iowa Judicial Branch Building
1111 East Court Avenue
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Robert Gast
State Court Administrator

Ross Loder
Deputy State Court Administrator

June 18, 2024

Governor Kim Reynolds
c/o Stan Thompson, Senior Legal Counsel
Stan.Thompson@governor.iowa.gov

Executive Council of Iowa
c/o Victoria Newton, Executive Secretary
Victoria.Newton@tos.iowa.gov

VIA EMAIL

Re: 1B District Judicial Nominating Commissioner

Dear Governor Reynolds and Members of the Executive Council:

As State Court Administrator, I have certain statutory duties set forth in Chapter 46 of the Iowa Code relating to the elections of judicial nominating commissioners. In addition, district court judges serve as chairs of the district judicial nominating commissions pursuant to Iowa Code section 46.6(2).

Joslyn Sailer is an elected judicial nominating commissioner in Judicial Election District 1B serving a term that expires on January 31, 2026. Although she still practices law in District 1B, she recently informed the chair of the commission that she has moved to Delaware County, in Judicial Election District 1A. The closing date on the sale of her residence in District 1B is on or before July 7, 2024.

A vacancy exists upon the incumbent “ceasing to be a resident of the . . . district . . . by or for which the incumbent was elected or appointed, or in which the duties of the office are to be exercised.” Iowa Code § 69.2(1)(c). I interpret this to mean judicial election district, because each one has a separate commission. In other words, if the incumbent ceases to be a resident of Judicial Election District 1B, it appears that makes her ineligible and creates a vacancy. It also appears that the date of the vacancy should be the date the incumbent ceases to be a resident. *See also* Iowa Const. art. V, § 16 (“district judicial nominating commissions shall be composed and

selected as follows: . . . elective members on each such commission, all of whom shall be electors of the district.”) (emphasis added).

The final decision on eligibility may not be for the State Court Administrator to make. Because the status of the Commissioner is in question, I am referring this matter to both the Governor and the Executive Council for a decision on the eligibility of Joslyn Sailer to serve the remainder of her term as a judicial nominating commissioner in Judicial Election District 1B. I will leave it to your determination as to the appropriate entity to make the decision. *See* Iowa Code § 46.5(6) (“All judicial nominating commissioners, including those elected by the bar, shall be subject to removal by the executive council in the same manner as appointive state officers under section 66.26. When the status of a judicial nominating commissioner is in question, the governor shall be the officer responsible for deciding whether a vacancy exists under section 69.2.”).

If you determine that the Commissioner is ineligible and a vacancy exists in Judicial Election District 1B, we stand ready to administer a special election to fill the remainder of the term. The special election “shall be completed within ninety days of the vacancy arising.” Iowa Code § 46.5(3). If we do have a special election, we will apply the July 1, 2024 effective date of the amendment to Iowa Code section 46.4 and not include a gender requirement.

The Judicial Election District 1B Nominating Commission is convening the week of July 22 for interviews for a District Associate Judge position. We recognize that there is not sufficient time to conduct a special election prior to July 22, and so would appreciate receiving your answer in the near future in case you have a different interpretation of the Commissioner’s eligibility.

If you have any further questions, please do not hesitate to let me know.

Sincerely,



Robert Gast

CC: Joslyn Sailer
The Honorable Chief Judge Lekar, Chair, District 1B Judicial Nominating Commission