

Senate File 2439 - Introduced

SENATE FILE 2439

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 3204)

A BILL FOR

1 An Act relating to county supervisors, concerning county
2 supervisor representation plans and county supervisor
3 vacancies, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

PLAN "THREE" COUNTY SUPERVISOR REPRESENTATION PLANS

Section 1. Section 331.206, subsection 2, paragraph a, Code 2024, is amended to read as follows:

a. The plan used under subsection 1 shall be selected by the board or by a special election as provided in section 331.207. A plan selected by the board shall remain in effect for at least six years and shall only be changed by a special election as provided in section 331.207. However, a county with a population of one hundred twenty-five thousand or more based on the most recent federal decennial census shall use plan "three" for the election of supervisors.

Sec. 2. Section 331.207, subsection 2, Code 2024, is amended to read as follows:

2. The petition shall be filed with the county commissioner by June 1 of an odd-numbered year, ~~subject to subsection 6.~~ The special election shall be held on the first Tuesday in August of the odd-numbered year. Notice of the special election shall be published once each week for three successive weeks in an official newspaper of the county, shall state the representation plans to be submitted to the electors, and shall state the date of the special election. The last in the series of publications shall occur not less than four nor more than twenty days before the election.

Sec. 3. Section 331.207, subsection 6, Code 2024, is amended by striking the subsection.

Sec. 4. TRANSITION PROVISION.

1. Notwithstanding any provision of law to the contrary, a county with a population of one hundred twenty-five thousand or more based on the most recent federal decennial census that does not use plan "three" for the election of supervisors, as defined in section 331.206, as of the effective date of this Act, shall not be required to elect supervisors using plan "three" until the election for supervisors in 2026, following the adoption of a representation plan drawn pursuant to section

1 331.210A, subsection 2, paragraph "f", and the requirements of
2 this section.

3 2. A county required to adopt a representation plan as
4 provided in this section shall establish a temporary county
5 redistricting commission by the later of thirty days after the
6 effective date of this Act or May 15, 2024, and shall complete
7 a plan, in conformity with the requirements of sections 331.209
8 and 331.210A, no later than November 1, 2024. The plan shall
9 be submitted to the state commissioner of elections and shall
10 become effective January 1, 2025.

11 DIVISION II

12 COUNTY SUPERVISOR VACANCIES

13 Sec. 5. Section 43.6, subsection 2, Code 2024, is amended
14 to read as follows:

15 2. When a vacancy occurs in the office of county supervisor
16 or any of the offices listed in [section 39.17](#) and more than
17 seventy days remain in the term of office following the next
18 general election, the office shall be filled for the balance
19 of the unexpired term at that general election unless the
20 vacancy has been filled by a special election called more
21 than seventy-three days before the primary election. If
22 the vacancy occurs more than seventy-three days before the
23 primary election, political party candidates for that office
24 at the next general election shall be nominated at the primary
25 election. If an appointment to fill the vacancy in office is
26 made in accordance with section 69.14A, subsection 1, paragraph
27 "a", eighty-eight or more days before the primary election and
28 a petition requesting a special election has not been received
29 within fourteen days after the appointment is made, candidates
30 for the office shall be nominated at the primary election.

31 Sec. 6. Section 69.14A, subsection 1, paragraph a,
32 unnumbered paragraph 1, Code 2024, is amended to read as
33 follows:

34 By If the population of the county is less than one hundred
35 twenty-five thousand based on the most recent federal decennial

1 census, by appointment by the committee of county officers
2 designated to fill the vacancy in [section 69.8](#).

3 Sec. 7. Section 69.14A, subsection 1, paragraph b,
4 unnumbered paragraph 1, Code 2024, is amended to read as
5 follows:

6 By If the population of the county is one hundred twenty-
7 five thousand or more based on the most recent federal
8 decennial census, by special election held to fill the office
9 for the remaining balance of the unexpired term.

10 Sec. 8. Section 331.201, subsection 3, Code 2024, is amended
11 to read as follows:

12 3. The office of supervisor is an elective office except
13 that if a vacancy occurs on the board, a successor may be
14 appointed to the unexpired term as provided in [section 69.14A](#),
15 subsection 1, paragraph "a", if the population of the county is
16 less than one hundred twenty-five thousand based on the most
17 recent federal decennial census.

18 Sec. 9. Section 331.214, subsection 2, paragraph c, Code
19 2024, is amended to read as follows:

20 c. If the board declares a vacancy under [this subsection](#) and
21 the remaining balance of the supervisor's unexpired term is two
22 and one-half years or more, a special election shall be held to
23 fill the office as provided in [section 69.14A, subsection 1](#),
24 paragraph "c", if the population of the county is one hundred
25 twenty-five thousand or more based on the most recent federal
26 decennial census. However, if the population of the county is
27 less than one hundred twenty-five thousand based on the most
28 recent federal decennial census, an appointment shall be made
29 to fill the office as provided in section 69.14A, subsection
30 1, paragraph "a".

31 DIVISION III

32 EFFECTIVE DATE

33 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
34 immediate importance, takes effect upon enactment.

35 EXPLANATION

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

3 This bill concerns county supervisor representation plans
4 and county supervisor vacancies.

5 DIVISION I — PLAN "THREE" COUNTY SUPERVISOR REPRESENTATION
6 PLANS. This division requires a county with a population of
7 125,000 or more based on the most recent federal decennial
8 census to use plan "three" for the election of county
9 supervisors. Plan "three" requires individual members of
10 the board of supervisors for that county to be elected from
11 single-member equal-population districts. The bill provides
12 that a county with a population of 125,000 or more as of the
13 effective date of the bill, that does not use plan "three"
14 as of that date for the election of supervisors shall not
15 be required to elect supervisors under plan "three" until
16 the election for supervisors in 2026 following adoption of a
17 representation plan in conformity with the provisions of law
18 governing the adoption of a plan "three" representation plan.

19 DIVISION II — COUNTY SUPERVISOR VACANCIES. This division
20 requires vacancies on the board of supervisors to be filled
21 by special election in a county with a population of 125,000
22 or more. Current law allows for vacancies to be filled by
23 appointment under certain circumstances. The bill requires
24 vacancies to be filled by appointment in a county with a
25 population of less than 125,000 in accordance with current law,
26 including a vacancy that is treated as a resignation due to the
27 physical or mental status of a supervisor.

28 DIVISION III — EFFECTIVE DATE. The bill takes effect upon
29 enactment.