

FEB 25 2004
EDUCATION

HOUSE FILE 2371
BY HUTTER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act disqualifying a person from holding office as a member of
2 a board of directors of a school district if the person has
3 been convicted of a sexual offense and providing for related
4 matters.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 2371

1 Section 1. Section 57.1, subsection 2, paragraph c, Code
2 2003, is amended to read as follows:

3 c. That prior to the election the incumbent had been duly
4 convicted of a felony, as defined in section 701.7, and that
5 the judgment had not been reversed, annulled, or set aside,
6 nor and that the incumbent has not been pardoned or restored
7 to the rights of citizenship by the governor under chapter
8 914, at the time of the election. In addition to the
9 provisions of this paragraph, in the case of an election under
10 chapter 277, grounds for contesting an election under this
11 chapter shall include that prior to the election the incumbent
12 had been convicted of a sexual offense that constitutes a
13 misdemeanor under chapter 709, and that the judgment had not
14 been reversed, annulled, or set aside, and that the incumbent
15 has not been pardoned or restored to the rights of citizenship
16 by the governor under chapter 914, at the time of the
17 election.

18 Sec. 2. Section 277.4, unnumbered paragraph 3, Code 2003,
19 is amended to read as follows:

20 Signers of nomination petitions shall include their
21 addresses and the date of signing, and must reside in the same
22 director district as the candidate if directors are elected by
23 the voters of a director district, rather than at-large. A
24 person may sign nomination petitions for more than one
25 candidate for the same office, and the signature is not
26 invalid solely because the person signed nomination petitions
27 for one or more other candidates for the office. The petition
28 shall be filed with the affidavit of the candidate being
29 nominated, stating the candidate's name, place of residence,
30 that such person is a candidate and is eligible for the office
31 the candidate seeks, and that if elected the candidate will
32 qualify for the office. The affidavit shall also state that
33 the candidate is aware that the candidate is disqualified from
34 holding office if the candidate has been convicted of a felony
35 or other infamous crime or has been convicted of a sexual

1 offense that constitutes a misdemeanor under chapter 709 and
2 the candidate's rights have not been restored by the governor
3 or by the president of the United States.

4 Sec. 3. Section 277.27, Code 2003, is amended to read as
5 follows:

6 277.27 QUALIFICATION.

7 A member of the board shall, at the time of election or
8 appointment, be an eligible elector of the corporation or
9 subdistrict. Notwithstanding any contrary provision of the
10 Code, a member of the board of directors of a school district
11 shall not receive compensation directly from the school board
12 unless the compensation is for part-time or temporary
13 employment and does not exceed the limitation set forth in
14 section 279.7A. A person who has been convicted of a sexual
15 offense that constitutes a misdemeanor under chapter 709 and
16 the person's rights have not been restored by the governor or
17 by the president of the United States is disqualified from
18 holding office as a member of the board of directors of a
19 school district.

20 EXPLANATION

21 This bill disqualifies a person from holding office as a
22 member of the board of directors of a school district if the
23 person has been convicted of a sexual offense, and such
24 convictions are grounds for contesting an election.

25 Current Code provisions disqualify a person from holding
26 office if the person has been convicted of any felony and
27 provide that such a conviction is grounds for contesting an
28 election. Not all sexual offenses constitute a felony.
29 Sexual offenses that constitute a misdemeanor include indecent
30 exposure; assault with intent to commit sexual abuse; indecent
31 contact with a child; lascivious conduct with a minor; sexual
32 exploitation by a counselor, therapist, or school employee;
33 and sexual misconduct with offenders and juveniles.

34 Under the bill and in the current Code, such a person may
35 hold office if the governor or president of the United States

S.F. _____ H.F. 2371

1 restores their rights.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

LSB 5788HH 80

kh/sh/8