

March 12, 1953.  
Passed on File.

*Re-referred Cities, Towns 3/13*

**House File 454**  
By CITIES AND TOWNS.

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

## A BILL FOR

An Act to amend chapter one hundred forty-five (145), Acts of the Fifty-fourth General Assembly, and to amend certain sections, Code 1950, and to repeal section sixty-three point two (63.2), Code 1950, all relating to municipal elections.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Chapter one hundred forty-five (145), Acts of  
2 the Fifty-fourth General Assembly, is amended by striking from  
3 lines four (4) and five (5) of section two (2) the words "and  
4 to elections in cities operating under chapters forty-four (44)  
5 and forty-five (45),".

1 Sec. 2. Chapter one hundred forty-five (145), Acts of the  
2 Fifty-fourth General Assembly, is amended by striking from line  
3 five (5) of section eight (8) the words and figures "on December  
4 31st" and inserting in lieu thereof the words "at noon of the  
5 second secular day of January."

1 Sec. 3. Chapter one hundred forty-five (145), Acts of the  
2 Fifty-fourth General Assembly, is amended by adding at the end  
3 of section ten (10) the following: "The provisions of this  
4 section which relate to staggered terms of office shall apply

5 only to municipal corporations which have changed from two year  
6 terms of office to four year terms of office in the manner  
7 provided in section nine (9) of this chapter. Terms of office  
8 which expire December 31, 1953, under this section are hereby  
9 extended to noon of the second secular day of January, 1954.

1 Sec. 4. Chapter one hundred forty-five (145), Acts of the  
2 Fifty-fourth General Assembly, is amended by inserting at the  
3 end of section eleven (11), the following: "The provisions of  
4 this section which relate to staggered terms of office shall  
5 apply only to municipal corporations which have changed from  
6 two year terms of office to four year terms of office in the  
7 manner provided in section nine (9) of this chapter. Terms of  
8 office which expire December 31, 1953, under this section are  
9 hereby extended to noon of the second secular day of January,  
10 1954."

1 Sec. 5. Chapter one hundred forty-five (145), Acts of  
2 the Fifty-fourth General Assembly, is amended by adding at the  
3 end of section thirteen (13) the following: "Terms of office  
4 which expire December 31, 1955, under this section are hereby  
5 extended to noon of the second secular day in January 1956.  
6 Terms of office which expire December 31, 1957, under this section  
7 are hereby extended to noon of the second secular day in January  
8 1958."

1 Sec. 6. Chapter one hundred forty-five (145), Acts of the  
2 Fifty-fourth General Assembly, is amended by adding at the  
3 end of section fourteen (14) the following: "Terms of office

4 which expire December 31, 1953, under this section are hereby  
5 extended to noon of the second secular day in January 1954. Terms  
6 of office which expire December 31, 1955, under this section are  
7 hereby extended to noon of the second secular day in January 1956."

1 Sec. 7. Chapter one hundred forty-five (145), section  
2 fifteen (15), Acts of the Fifty-fourth General Assembly, is  
3 amended as follows:

4 1. By inserting in line two (2) after the word "office"  
5 the words "except candidates nominated under the provisions of  
6 chapter forty-four (44)".

7 2. By inserting after the word "election" in line three  
8 (3) the following: "in municipal corporations having a  
9 population of more than ten thousand (10,000) and at least two  
10 weeks prior to the election in municipal corporations having a  
11 population of ten thousand (10,000) or less".

1 Sec. 8. Chapter one hundred forty-five (145), Acts of the  
2 Fifty-fourth General Assembly, is amended by striking from lines  
3 eleven (11) and twelve (12) of section eighteen (18) the  
4 following: "I furthermore declare that if elected, I shall  
5 qualify for said office."

1 Sec. 9. Chapter one hundred forty-five (145), Acts of the  
2 Fifty-fourth General Assembly is amended by striking from lines  
3 one (1) and two (2) of section nineteen (19) the words "Four  
4 weeks prior to the election" and inserting in lieu thereof the  
5 words "Within three days after the final day for filing petitions".

1 Sec. 10. Section sixty-three point two (63.2), Code 1950.

2 is hereby repealed.

1 Sec. 11. Section forty-four point fourteen (44.14), sub-  
2 section three (3), Code 1950, is amended by striking from lines  
3 two (2) and three (3) the words "not more than forty, nor less  
4 than fifteen" and inserting in lieu thereof the words "not less  
5 than twenty-eight".

1 Sec. 12. Section forty-five point one (45.1), Code 1950,  
2 is amended as follows:

3 1. By striking from line twelve (12) the words ", city,  
4 town or ward".

5 2. By striking from line fifteen (15) the words ", city  
6 or ward".

#### EXPLANATION OF H. F. 454

The sections of this bill have the following purposes

Sections 1, 7, and 11 correct sections 2 and 15 of chapter 145 and amend section 44.14 of the Code so as to make nominations either by petition or by nonparty convention possible for municipal candidates but clarifies the ambiguity which appeared to leave some cities without an election procedure.

Section 2 through 6 eliminate the gap between expiration of terms of outgoing officers and time of taking office of incoming officers and make it clear that staggered terms of office apply only in cities and towns electing officers for four-year terms.

Section 7 also shortens time between filing petitions and holding elections in cities and towns not having primaries in order to minimize loss of public interest.

Section 8 eliminates a provision from the candidate's oath which has caused frequent misunderstanding.

Section 9 is designed to give the mayor and clerk a reasonable time to canvass petitions.

Section 10 repeals a provision in conflict with section 8 of chapter 145.

Section 11 makes the time for filing certificates for nonparty organization nominations conform to time for filing petitions for nomination.

Section 12 deletes all reference to city and town elections from chapter 45 of the Code. The petition procedure in chapter 145 is complete in itself and was, in fact, originally patterned upon chapter 45 except for time of filing and number of signers. It would only create confusion to permit the reference to cities and towns to remain in chapter 45.