

April 10, 1951

SENATE FILE 275
BY GRONSTAL

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

A BILL FOR

1 An Act relating to including the choice "None of These
2 Candidates" on general election ballots for certain offices,
3 conducting special elections, and providing filing deadlines.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 275

1 Section 1. Section 49.37, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. For the purposes of this subsection,
4 "elective state office" means the offices of governor and
5 lieutenant governor, secretary of state, auditor of state,
6 treasurer of state, secretary of agriculture, and attorney
7 general.

8 Every general election ballot upon which appears the names
9 of candidates for any elective state office or for members of
10 the general assembly shall contain for each of those offices
11 an additional line equivalent to the lines on which the
12 candidates' names appear and placed at the end of the row or
13 column containing the names of the candidates for that office.
14 Each additional line shall contain a square in which the voter
15 may express the voter's choice of that line in the same manner
16 as the voter would choose a candidate, and the line shall read
17 "None Of These Candidates".

18 Sec. 2. Section 50.45, Code 1991, is amended to read as
19 follows:

20 50.45 CANVASS PUBLIC -- RESULT DETERMINED.

21 All canvasses of tally lists shall be public, and the
22 persons having the greatest number of votes shall be declared
23 elected, except that if the vote cast for the choice "None of
24 These Candidates" is greater than fifty percent of the total
25 vote cast for an elective state office or for a member of the
26 general assembly, no winner shall be proclaimed, and the
27 governor shall order a special election and issue a
28 proclamation pursuant to section 39.6. The special election
29 shall be conducted in the manner provided for in section
30 69.20.

31 PARAGRAPH DIVIDED. When a public measure has been
32 submitted to the electors, the proposition shall be declared
33 to have been adopted if the vote cast in favor of the question
34 is greater than fifty percent of the total vote cast in favor
35 and against the question, unless laws pertaining specifically

1 to the public measure election establish a higher percentage
2 of a favorable vote. All ballots cast and not counted as a
3 vote in favor or against the proposition shall not be used in
4 computing the total vote cast in favor and against the
5 proposition.

6 Sec. 3. Section 50.46, Code 1991, is amended to read as
7 follows:

8 50.46 SPECIAL ELECTIONS -- CANVASS AND CERTIFICATE.

9 When a special election has been held to fill a vacancy
10 pursuant to section 69.14, or when a special election has been
11 held pursuant to section 69.20, the board of county canvassers
12 shall meet at one o'clock-in-the-afternoon-of p.m. on the
13 second day after the election, and canvass the votes cast at
14 the election. The commissioner, as soon as the canvass is
15 completed, shall transmit to the state commissioner an
16 abstract of the votes so canvassed, and the state board,
17 within five days after receiving such abstracts, shall canvass
18 the tally lists. A certificate of election shall be issued by
19 the county or state board of canvassers, as in other cases.
20 All the provisions regulating elections, obtaining tally
21 lists, and canvass of votes at general elections, except as to
22 time, shall apply to special elections.

23 Sec. 4. NEW SECTION. 69.20 SPECIAL ELECTION -- GENERAL
24 ASSEMBLY AND ELECTIVE STATE OFFICES.

25 1. A special election ordered pursuant to sections 39.6
26 and 50.45 shall be held not less than forty-two and not more
27 than fifty days following the date the governor ordered the
28 special election.

29 2. A political party which had a candidate on the general
30 election ballot for the office for which a special election
31 has been ordered may nominate another candidate for that
32 office in the manner provided for in section 43.78, subsection
33 1.

34 Nominations for all other candidates may be made as
35 follows:

1 a. For an elective state office, by nomination petition
2 signed by not less than one thousand eligible electors of the
3 state.

4 b. For senator in the general assembly, by nomination
5 petition signed by not less than one hundred eligible electors
6 residing in the applicable senatorial district.

7 c. For representative in the general assembly, by
8 nomination petition signed by not less than fifty eligible
9 electors residing in the applicable representative district.

10 A candidate whose name was on the general election ballot
11 for the office for which a special election has been ordered
12 is disqualified from renomination in the special election.

13 3. Nomination petitions must be filed in the office of the
14 state commissioner not later than five p.m. on the twenty-
15 fifth day before the special election. Each nomination
16 petition must be accompanied by an affidavit executed by the
17 candidate in the same form as that provided in section 43.18
18 or section 44.3, subsection 2, whichever is applicable.

19 4. A candidate nominated for an office to be filled at the
20 special election may withdraw as a nominee for that office on
21 or before, but not later than, the fifteenth day before the
22 date of the special election by notifying the state
23 commissioner of elections in writing.

24 If a person who has filed nomination papers with the state
25 commissioner as a candidate in the special election dies or
26 withdraws up to the fifteenth day before the special election,
27 the appropriate convention of that person's political party
28 may designate one additional special election candidate for
29 the nomination that person was seeking, if the designation is
30 submitted to the state commissioner in writing by five p.m. on
31 the twelfth day before the date of the special election.

32 5. Objections to the eligibility of a candidate in the
33 special election must be filed pursuant to section 43.24 not
34 less than fifteen days prior to the date of the special
35 election.

1 6. The state commissioner of elections shall certify to
2 the commissioner of each county at the earliest practicable
3 time, and under separate party headings, the name of each
4 person nominated, the office to which the person is nominated,
5 and the order in which the tickets of the several political
6 parties shall appear on the official ballot.

7 7. The ballots provided for the special election shall not
8 contain the designation "None of These Candidates".

9 8. The votes cast in the special election shall be
10 canvassed and a winner proclaimed in the manner provided for
11 in section 50.46. The candidate-elect shall be sworn into
12 office immediately following the issuance of the certificate
13 of election by the state commissioner of elections.

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EXPLANATION

15 This bill provides that general election ballots for
16 elective state offices and members of the general assembly
17 shall include the designation "None Of These Candidates" as a
18 choice for the voter. Elective state office means governor
19 and lieutenant governor, secretary of state, auditor of state,
20 treasurer of state, secretary of agriculture, and attorney
21 general.

22 The bill also provides that if the vote cast for the choice
23 "None Of These Candidates" is greater than fifty percent of
24 the votes cast for a particular office, a special election
25 shall be ordered for that office. The election is to be held
26 not less than 42 and not more than 50 days following the date
27 the special election is ordered. New candidates may be
28 nominated by convention or by petition. Candidates on the
29 original general election ballot are disqualified from running
30 in the special election. Candidates elected in the special
31 election are to be sworn in immediately after the state
32 commissioner issues the certificate of election.

33 This bill may include a state mandate as defined in section
34 25B.3.

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