

FILED FEB 9 1994

SENATE FILE 2103
BY CONNOLLY

(COMPANION TO LSB 3682HH BY
JOCHUM)

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

A BILL FOR

1 An Act relating to the affidavit accompanying the nomination
2 petitions or certificates for candidates for public office.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2103

1 Section 1. Section 43.18, Code 1993, is amended by adding
2 the following new unnumbered paragraph after unnumbered
3 paragraph two:

4 NEW UNNUMBERED PARAGRAPH. I am aware that I am
5 disqualified from holding office if I have been convicted, and
6 never pardoned, of a felony or other infamous crime.

7 Sec. 2. Section 44.3, subsection 2, Code 1993, is amended
8 by adding the following new unnumbered paragraph after
9 unnumbered paragraph two:

10 NEW UNNUMBERED PARAGRAPH. I am aware that I am
11 disqualified from holding office if I have been convicted, and
12 never pardoned, of a felony or other infamous crime.

13 Sec. 3. Section 45.3, Code 1993, is amended by adding the
14 following new unnumbered paragraph after unnumbered paragraph
15 three:

16 NEW UNNUMBERED PARAGRAPH. I am aware that I am
17 disqualified from holding office if I have been convicted, and
18 never pardoned, of a felony or other infamous crime.

19 Sec. 4. Section 161A.5, subsection 3, Code 1993, is
20 amended to read as follows:

21 3. At each general election a successor shall be chosen
22 for each commissioner whose term will expire in the succeeding
23 January. Nomination of candidates for the office of
24 commissioner shall be made by petition in accordance with
25 chapter 45, except that each candidate's nominating petition
26 shall be signed by at least twenty-five eligible electors of
27 the district. The petition form shall be furnished by the
28 county commissioner of elections. Every candidate shall file
29 with the nomination papers an affidavit stating the
30 candidate's name, the candidate's residence, that the person
31 is a candidate and is eligible for the office of commissioner,
32 and that if elected the candidate will qualify for the office.
33 The affidavit shall also state that the candidate is aware
34 that the candidate is disqualified from holding office if the
35 candidate has been convicted, and never pardoned, of a felony

1 or other infamous crime.

2 PARAGRAPH DIVIDED. The signed petitions shall be filed
3 with the county commissioner of elections not later than five
4 p.m. on the sixty-ninth day before the general election. The
5 votes for the office of district commissioner shall be
6 canvassed in the same manner as the votes for county officers,
7 and the returns shall be certified to the commissioners of the
8 district. A plurality is sufficient to elect commissioners,
9 and a primary election for the office shall not be held. If
10 the canvass shows that the two candidates receiving the
11 highest and the second highest number of votes for the office
12 of district commissioner are both residents of the same
13 township, the board shall certify as elected the candidate who
14 received the highest number of votes for the office and the
15 candidate receiving the next highest number of votes for the
16 office who is not a resident of the same township as the
17 candidate receiving the highest number of votes.

18 Sec. 5. Section 277.4, unnumbered paragraph 2, Code
19 Supplement 1993, is amended to read as follows:

20 Each candidate shall be nominated by petition. If the
21 candidate is running for an at-large seat in the district, the
22 petition must be signed by eligible electors equal in number
23 to not less than one percent of the qualified electors of the
24 district or one hundred eligible electors of the district,
25 whichever is less. If the candidate is running for a seat in
26 a director district, the petition must be signed by eligible
27 electors equal in number to not less than one percent of the
28 qualified electors in the director district or one hundred
29 eligible electors in the district, whichever is less. Signers
30 of nomination petitions shall include their addresses and the
31 date of signing, and must reside in the same director district
32 as the candidate if directors are elected by the voters of a
33 director district, rather than at large. A person may sign
34 nomination petitions for more than one candidate for the same
35 office, and the signature is not invalid solely because the

1 person signed nomination petitions for one or more other
2 candidates for the office. The petition shall be filed with
3 the affidavit of the candidate being nominated, stating the
4 candidate's name, place of residence, that such person is a
5 candidate and is eligible for the office the candidate seeks,
6 and that if elected the candidate will qualify for the office.
7 The affidavit shall also state that the candidate is aware
8 that the candidate is disqualified from holding office if the
9 candidate has been convicted, and never pardoned, of a felony
10 or other infamous crime.

11 Sec. 6. Section 376.4, unnumbered paragraph 4, Code 1993,
12 is amended to read as follows:

13 The petition must include the affidavit of the individual
14 for whom it is filed, stating the individual's name, the
15 individual's residence, that the individual is a candidate and
16 eligible for the office, and that if elected the individual
17 will qualify for the office. The affidavit shall also state
18 that the candidate is aware that the candidate is disqualified
19 from holding office if the candidate has been convicted, and
20 never pardoned, of a felony or other infamous crime.

21 EXPLANATION

22 This bill requires that the affidavit accompanying the
23 nomination petition or certificate for a candidate for public
24 office contain a statement that the candidate is aware that
25 conviction of the candidate of a felony or other infamous
26 crime, without having been pardoned, disqualifies the
27 candidate from holding public office. This bill applies to
28 candidates for partisan and nonpartisan elective public
29 office.

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