

FILED FEB 9 1998

STATE GOVERNMENT,

SENATE FILE

BY MADDOX

2/25/98 Do Pass

H-3/4/98 Still Gov.

H-3/12/98 Do Pass

2153

(p523)

Passed Senate, Date 3/3/98

Passed House, Date 3/23/98 (p.841)

Vote: Ayes 46 Nays 0

Vote: Ayes 97 Nays 0

Approved April 6, 1998

A BILL FOR

1 An Act relating to affidavits of candidacy filed by candidates
2 for public office.

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

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S.F. 2153

1 Section 1. Section 43.18, subsection 9, Code 1997, is
2 amended to read as follows:

3 9. A statement that the candidate is aware that the
4 candidate is disqualified from holding office if the candidate
5 has been convicted, ~~and never pardoned~~, of a felony or other
6 infamous crime and the candidate's rights have not been
7 restored by the governor or by the president of the United
8 States.

9 Sec. 2. Section 43.67, subsection 9, Code 1997, is amended
10 to read as follows:

11 9. A statement that the candidate is aware that the
12 candidate is disqualified from holding office if the candidate
13 has been convicted, ~~and never pardoned~~, of a felony or other
14 infamous crime and the candidate's rights have not been
15 restored by the governor or by the president of the United
16 States.

17 Sec. 3. Section 44.3, subsection 2, paragraph i, Code
18 1997, is amended to read as follows:

19 i. A statement that the candidate is aware that the
20 candidate is disqualified from holding office if the candidate
21 has been convicted, ~~and never pardoned~~, of a felony or other
22 infamous crime and the candidate's rights have not been
23 restored by the governor or by the president of the United
24 States.

25 Sec. 4. Section 45.3, subsection 9, Code 1997, is amended
26 to read as follows:

27 9. A statement that the candidate is aware that the
28 candidate is disqualified from holding office if the candidate
29 has been convicted, ~~and never pardoned~~, of a felony or other
30 infamous crime and the candidate's rights have not been
31 restored by the governor or by the president of the United
32 States.

33 Sec. 5. Section 161A.5, subsection 3, unnumbered paragraph
34 1, Code 1997, is amended to read as follows:

35 At each general election a successor shall be chosen for

1 each commissioner whose term will expire in the succeeding
2 January. Nomination of candidates for the office of
3 commissioner shall be made by petition in accordance with
4 chapter 45, except that each candidate's nominating petition
5 shall be signed by at least twenty-five eligible electors of
6 the district. The petition form shall be furnished by the
7 county commissioner of elections. Every candidate shall file
8 with the nomination papers an affidavit stating the
9 candidate's name, the candidate's residence, that the person
10 is a candidate and is eligible for the office of commissioner,
11 and that if elected the candidate will qualify for the office.
12 The affidavit shall also state that the candidate is aware
13 that the candidate is disqualified from holding office if the
14 candidate has been convicted~~7-and-never-pardoned~~7, of a felony
15 or other infamous crime and the candidate's rights have not
16 been restored by the governor or by the president of the
17 United States.

18 Sec. 6. Section 277.4, unnumbered paragraph 3, Code
19 Supplement 1997, 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~~7-and-never~~
35 pardoned7, of a felony or other infamous crime and the

1 candidate's rights have not been restored by the governor or
2 by the president of the United States.

3 Sec. 7. Section 376.4, unnumbered paragraph 4, Code
4 Supplement 1997, is amended to read as follows:

5 The petition must include the affidavit of the individual
6 for whom it is filed, stating the individual's name, the
7 individual's residence, that the individual is a candidate and
8 eligible for the office, and that if elected the individual
9 will qualify for the office. The affidavit shall also state
10 that the candidate is aware that the candidate is disqualified
11 from holding office if the candidate has been convicted, ~~and~~
12 ~~never-pardoned,~~ of a felony or other infamous crime and the
13 candidate's rights have not been restored by the governor or
14 by the president of the United States.

15 EXPLANATION

16 This bill changes the language of affidavits of candidacy
17 to refer to restoration of rights after conviction of a felony
18 rather than to a pardon. The bill applies to affidavits of
19 candidacy filed by candidates for all partisan offices, city
20 councils, school boards of directors, soil and water
21 conservation district commissioners, and, by reference, to the
22 following nonpartisan offices: community mental health center
23 boards of trustees, regional library boards of trustees,
24 county hospital and merged hospital boards of trustees.

25 Restoration of rights of citizenship granted by the
26 governor or by the president of the United States includes
27 restoration of the right to register to vote and to vote.

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SENATE FILE 2153

AN ACT
RELATING TO AFFIDAVITS OF CANDIDACY FILED BY CANDIDATES FOR
PUBLIC OFFICE.

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

Section 1. Section 43.18, subsection 9, Code 1997, is amended to read as follows:

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned,~~ of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 2. Section 43.67, subsection 9, Code 1997, is amended to read as follows:

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned,~~ of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 3. Section 44.3, subsection 2, paragraph i, Code 1997, is amended to read as follows:

1. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned,~~ of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 4. Section 45.3, subsection 9, Code 1997, is amended to read as follows:

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned,~~ of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 5. Section 161A.5, subsection 3, unnumbered paragraph 1, Code 1997, is amended to read as follows:

At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner,

and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned~~, of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 6. Section 277.4, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at-large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned~~, of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 7. Section 376.4, unnumbered paragraph 4, Code Supplement 1997, is amended to read as follows:

The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified

from holding office if the candidate has been convicted ~~and never pardoned~~ of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2153, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved 4/6, 1998

TERRY S. BRANSTAD
Governor