

FILED FEB 24 1998

Rereferred To: State Court 3/23/98

SENATE FILE 2309

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 2126)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to local government authority to hold elections  
2 and providing an effective date.

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

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S.F. 2309

1 Section 1. Section 39.5, Code Supplement 1997, is  
2 repealed.

3 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
4 immediate importance, takes effect upon enactment.

5 EXPLANATION

6 This bill repeals Code section 39.5, which prohibits a  
7 local government from holding an election not authorized by  
8 state law but which specifically does not prohibit all local  
9 elections called pursuant to ordinance. Presently, the Code  
10 otherwise specifies those instances when a local government is  
11 authorized or required to hold an election on a matter within  
12 the jurisdiction of the local government.

13 The bill is effective upon enactment.

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## SENATE FILE 2309

S-5170

1 Amend Senate File 2309 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 39.3, Code 1997, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 10A. "Referendum" means an  
7 election called pursuant to section 39.26, by  
8 resolution of the governing body of a city or county  
9 to approve or disapprove the adoption, repeal, or  
10 amendment of an ordinance.

11 Sec. 2. NEW SECTION. 39.26 LOCAL ELECTIONS,  
12 REFERENDA, AND INITIATIVES PROHIBITED.

13 1. Local elections, referenda, and initiatives are  
14 prohibited except for the following:

15 a. Those offices which are specifically authorized  
16 or required by state law to be filled by the voters at  
17 an election.

18 b. Those public measures which are specifically  
19 authorized or required by state law to be put before  
20 the voters as a public measure.

21 c. Referenda which may be called by resolution of  
22 the board of supervisors or city council for approval  
23 or disapproval of the adoption of a proposed  
24 ordinance, or the repeal or amendment of an existing

25 ordinance by the board of supervisors or city council.  
26 The resolution must be adopted at the meeting in  
27 which the ordinance is finally passed. The resolution  
28 shall indicate whether the results of the referendum  
29 are to be binding or nonbinding on the governing body  
30 submitting the ordinance or amendment to referendum.

31 Notice of the adoption of the resolution shall be  
32 published with the summary of the ordinance or  
33 amendment as provided in section 331.302, subsection  
34 8, or section 380.7, whichever is applicable.

35 2. The provisions of chapters 39 through 53 shall  
36 apply to the conduct of elections held pursuant to  
37 this section.

38 Sec. 2. Section 331.238, Code 1997, is amended by  
39 adding the following new subsection:

40 NEW SUBSECTION. 4. An alternative form of county  
41 government shall not provide for the power of  
42 initiative and referendum to be extended to its  
43 citizens, except as provided in section 39.26.

44 Sec. 3. Section 372.10, Code 1997, is amended by  
45 adding the following new unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPHE. A home rule charter  
47 shall not provide for the power of initiative and  
48 referendum to be extended to its citizens except as  
49 provided in section 39.26."

50 2. By renumbering as necessary.

By ROD HALVORSON

Rittmer  
Fink  
Drake

SSB. 2126  
State Government  
Succeeded By  
SENATE FILE (SF) HF 2309  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON RITTMER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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