CHAPTER 49A

CONSTITUTIONAL AMENDMENTS AND PUBLIC MEASURES

Referred to in §39.3, 39.28, 39A.1, 39A.2, 39A.6, 47.1, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 357J.16, 360.1, 372.2, 376.1

This chapter not enacted as a part of this title; transferred from chapter 6 in Code 1993
See also definitions in §39.3

49A.1	Publication of proposed amendment.	49A.7	Proclamation. Repealed by 2019 Acts, ch 129, §6, 7.
49A.2	Publication of proposed public measure.	49A.8	Canvass — declaration of result — record.
49A.3	Proof of publication — record.	49A.9	Expenses.
49A.4	Submission at general election.	49A.10	Action to test legality.
49A.5	Submission at special election.	49A.11	Parties.
49A.6	Certification — sample ballot.		

49A.1 Publication of proposed amendment.

1. Whenever any proposition to amend the Constitution has passed the general assembly and been referred to the next succeeding legislature, the general assembly shall cause the same to be published as provided in this section, for the time required by the Constitution.

2. For purposes of complying with the publication requirements of this section, the general assembly shall cause the proposition to amend the Constitution to be published, once each month, in two newspapers of general circulation in each congressional district in the state and published, during each month, on an internet site of the general assembly.

[C97, §55; S13, §55; C24, 27, 31, 35, 39, §**69;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.1]

C93, §49A.1

2019 Acts, ch 129, §1, 7

Referred to in §49A.3, 49A.10
Time of publication, Iowa Constitution, Art. X, §1
Voting on public measures, see §49.43 – 49.50

49A.2 Publication of proposed public measure.

Whenever any public measure has passed the general assembly which under the Constitution must be published and submitted to a vote of the entire people of the state, the state commissioner of elections shall cause the same to be published, once each month, in at least one newspaper of general circulation in each county in the state, for the time required by the Constitution.

[C24, 27, 31, 35, 39, §**70;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.2]

C93, §49A.2

Referred to in §49A.3
Time of publication, Iowa Constitution, Art. VII, §5
Voting on public measures, see §49.43 – 49.50

49A.3 Proof of publication — record.

1. Proof of the publication required by section 49A.1 shall be filed by the general assembly in the office of the state commissioner of elections, recorded in a book kept for that purpose, and preserved by the commissioner. Proof of publication required by this subsection shall be made by the general assembly as follows:

a. Proof of publication by newspaper shall be made by filing in the office of the state commissioner of elections affidavits of the publishers of the newspapers designated by the general assembly for publication and a certificate by the general assembly of the selection of such newspapers.

b. Proof of publication on an internet site of the general assembly shall be made by filing a certificate by the general assembly in the office of the state commissioner of elections that publication as described in this paragraph has been made as required by law.

2. Proof of the publication specified in section 49A.2 shall be made by the affidavits of the publishers of the newspapers designated by the state commissioner of elections and such affidavits, with the certificate of the state commissioner of the selection of such newspapers,

shall be filed in the commissioner's office, recorded in a book kept for that purpose, and preserved by the commissioner.

[C97, §55; S13, §55; C24, 27, 31, 35, 39, §**71;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.3]

C93, §49A.3

2019 Acts, ch 129, §2, 7

Iowa Constitution, Art. X, §1

49A.4 Submission at general election.

Whenever a public measure has passed the general assembly which under the Constitution must be submitted to a vote of the entire people of the state and no time is fixed by the Constitution or legislature for such submission, or whenever a proposition to amend the Constitution has been adopted by two succeeding general assemblies and no time is fixed by the last general assembly adopting the same for its submission to the people, said measure or amendment shall be submitted to the people at the ensuing general election, in the manner required by law.

[C97, §56; C24, 27, 31, 35, 39, §**72;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.4]

C93, §49A.4

Submission, §49.43 – 49.50, 49A.1, 49A.2, 49A.5; Iowa Constitution, Art. VII, §5 and Art. X

49A.5 Submission at special election.

The general assembly may provide for the submission of a constitutional amendment to the people at a special election for that purpose, at such time as it may prescribe, and the same shall in all respects be governed and conducted as prescribed by law for the submission of a constitutional amendment at a general election.

[C97, §58; C24, 27, 31, 35, 39, §**73;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.5]

C93, §49A.5

2019 Acts, ch 129, §3, 7

Iowa Constitution, Art. X

Submission, §49.43 – 49.50, 49A.1, 49A.2, 49A.4

49A.6 Certification — sample ballot.

The state commissioner of elections shall, not less than sixty-three days preceding any election at which a constitutional amendment or public measure is to be submitted to a vote of the entire people of the state, transmit to the county commissioner of elections of each county a certified copy of the amendment or measure and a sample of the ballot to be used in such cases, prepared in accordance with law.

[C24, 27, 31, 35, 39, §**74;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.6]

89 Acts, ch 136, §1

C93, §49A.6

2021 Acts, ch 147, §34, 54

Iowa Constitution, Art. VII, §5 and Art. X

49A.7 Proclamation. Repealed by 2019 Acts, ch 129, §6, 7.

49A.8 Canvass — declaration of result — record.

1. The judges of election, county boards of canvassers, and other election officials shall canvass the vote on any constitutional amendment or public measure, and make return thereof, in the same manner as required by law for the canvass and return of the vote for public officers. The board of state canvassers shall canvass such returns, declare the result, and enter the same of record, immediately following and in connection with the proofs of publication of such amendment or measure, in the book kept for that purpose by the secretary of state.

2. Upon completion of the canvass, the secretary of state shall certify to the Iowa Code editor the results of the election.

[C97, §56; C24, 27, 31, 35, 39, §**76;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.8]
C93, §49A.8
93 Acts, ch 143, §19
Canvass of votes, chapter 50

49A.9 Expenses.

Expenses incurred under the provisions of this chapter shall be audited and allowed by the director of the department of administrative services and paid out of moneys appropriated to the state commissioner of elections.

[C97, §59; C24, 27, 31, 35, 39, §**77;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.9]
C93, §49A.9
2003 Acts, ch 145, §286; 2019 Acts, ch 24, §104; 2019 Acts, ch 129, §4, 7

49A.10 Action to test legality.

1. Whenever an amendment to the Constitution of the State of Iowa is proposed and agreed to by the general assembly and is agreed to by the succeeding general assembly, any taxpayer may file suit in equity in the district court at the seat of government of the state, challenging the validity, legality, or constitutionality of the amendment. In the suit, the district court shall have jurisdiction to determine the validity, legality, or constitutionality of the amendment and enter its decree accordingly. The court may grant a writ of injunction enjoining the governor and state commissioner of elections from submitting the constitutional amendment to the electorate, if the proposed constitutional amendment is found to be invalid, illegal, or unconstitutional.

2. An amendment to the Constitution of the State of Iowa which has been proposed and agreed to by the general assembly and has been agreed to by the succeeding general assembly shall not be determined invalid in any action challenging the validity, legality, or constitutionality of such amendment in the event of an error or omission occurring with one of the publication requirements of section 49A.1 and shall be submitted to the electorate for ratification at the next general or special election as determined by the general assembly.

[C31, 35, §77-d1; C39, §**77.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.10]
C93, §49A.10
2019 Acts, ch 129, §5, 7; 2020 Acts, ch 1063, §34
Referred to in §49A.11
General procedure, §619.2, 619.3, 624.7, 625A.3, 625A.6, 625A.13

49A.11 Parties.

In a suit under section 49A.10, the taxpayer shall be plaintiff and the governor and state commissioner of elections shall be defendants. Any taxpayer may intervene, either as party plaintiff or defendant.

[C31, 35, §77-d2; C39, §**77.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.11]
C93, §49A.11
2020 Acts, ch 1063, §35