

House File 764 - Enrolled

House File 764

AN ACT

RELATING TO PUBLICATION AND PROCEDURAL PROVISIONS RELATING TO  
PROPOSED CONSTITUTIONAL AMENDMENTS AND INCLUDING EFFECTIVE  
DATE PROVISIONS.

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

Section 1. Section 49A.1, Code 2019, is amended to read as follows:

**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 ~~state commissioner of elections~~ general assembly shall cause the same to be published as provided in this section, ~~once each month, in two newspapers of general circulation in each congressional district in the state,~~ 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.

Sec. 2. Section 49A.3, Code 2019, is amended to read as follows:

**49A.3 Proof of publication — record — ~~report to legislature.~~**

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 ~~sections 49A.1 and~~ 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, ~~and in the case of constitutional amendments the commissioner shall report to the following legislature the action in the premises.~~

Sec. 3. Section 49A.5, Code 2019, is amended to read as follows:

**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,

~~proclamation for which election shall be made by the governor,~~  
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.

Sec. 4. Section 49A.9, Code 2019, is amended to read as  
follows:

**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 ~~any money in the state  
treasury not otherwise appropriated~~ to the state commissioner  
of elections.

Sec. 5. Section 49A.10, Code 2019, is amended to read as  
follows:

**49A.10 Action to test legality.**

1. Whenever an amendment to the Constitution of the State  
of Iowa shall have been proposed and agreed to by the general  
assembly and shall have been 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  
such amendment, ~~or the procedure connected therewith,~~ and  
in such suit the district court shall have jurisdiction to  
determine the validity, legality or constitutionality of said  
amendment ~~or the procedure connected therewith,~~ and enter  
its decree accordingly, and may grant a writ of injunction  
enjoining the governor and state commissioner of elections  
from submitting such constitutional amendment, ~~if it, or the  
procedure connected therewith,~~ the proposed constitutional  
amendment shall have been 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.

Sec. 6. REPEAL. Section 49A.7, Code 2019, is repealed.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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LINDA UPMAYER  
Speaker of the House

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CHARLES SCHNEIDER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 764, Eighty-eighth General Assembly.

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CARMINE BOAL  
Chief Clerk of the House

Approved \_\_\_\_\_, 2019

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KIM REYNOLDS  
Governor