

State Govt. 2/11, Page 424

Senate File 288  
State Government  
Glenn, Chairman  
Coleman  
Schwengels

Repeal State Govt. 1/12/76  
Pass 1/14

FILED MAR 10 1975

SENATE FILE 288

By DODERER

See " " 1/22/76, Page 2/4

Senate File 288  
State Government  
Brandt, Chair  
Svoboda  
Drake

Passed Senate, Date 1-16-76 (85) Passed House, Date 2-13-76 (p. 394)

Vote: Ayes 42 Nays 4 Vote: Ayes 81 Nays 3

Approved 6-23-76  
*motion to reconsider filed 2-13 (p. 399)*

## A BILL FOR

1 An Act to repeal the procedure for establishment of a convention  
2 to ratify amendments to the Constitution of the United States.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter fifty-five (55), Code 1975, is repealed.

2 EXPLANATION

3 This bill repeals chapter 55 of the Code. This chapter  
4 was enacted in 1933 to provide the necessary machinery for  
5 holding a state convention to ratify the twenty-first amend-  
6 ment to the Constitution of the United States to repeal  
7 prohibition. During 1933, forty-three states passed laws  
8 providing for state conventions to ratify the proposed  
9 constitutional amendment. Of the forty-three states, sixteen  
10 states, including Iowa, provided by general law for any  
11 amendments for which Congress specifies the convention method  
12 of ratification, and twenty-seven states passed laws to  
13 establish conventions for ratification of the twenty-first  
14 amendment only. Congress has provided that the convention  
15 method be used only for the repeal of the prohibition amend-  
16 ment to the Federal Constitution.

17 Chapter 55 provides for a convention composed of 99  
18 delegates, one from each county. If in the future Congress  
19 requires that an amendment to the Federal Constitution be  
20 ratified by the convention method, a procedure can be enacted  
21 by the general assembly which will insure that the  
22 representative districts for selection of delegates are equal  
23 in population.

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H-5283

1 Amend Senate File 288 as passed by the Senate as  
2 follows:

3 By striking everything after the enacting clause  
4 and inserting in lieu thereof the following:

5 "Section 1. Chapter fifty-five (55), Code 1975,  
6 is amended by adding the following new section:

7 NEW SECTION. REPRESENTATIVE DISTRICT DEFINED.

8 As used in this Act, unless the context otherwise  
9 requires the term "representative district" or  
10 "district" shall mean the representative districts  
11 as established in chapter forty-one (41) of the Code.

12 Sec. 2. Section fifty-five point four (55.4),  
13 Code 1975, is amended to read as follows:

14 55.4 DELEGATES AT LARGE. Subject to the provisions  
15 of this chapter, each ~~county~~ representative district  
16 in the state shall be entitled to nominate two persons  
17 from among the qualified voters in each ~~county~~  
18 district, respectively, to be candidates for the  
19 office of delegate at large to the state convention,  
20 provided, however, that one of such candidates shall  
21 be nominated by those favoring the ratification of  
22 such amendment, and one nominated by those opposed  
23 to the ratification of such amendment. Said delegates  
24 shall be nominated as hereinafter provided.

25 Sec. 3. Section fifty-five point five (55.5),  
26 Code 1975, is amended to read as follows:

27 55.5 NOMINATION BY MASS CONVENTION. The  
28 nominations for delegates to such convention from  
29 each ~~county~~ representative district shall be made  
30 at mass conventions of the qualified electors of such  
31 county in the manner provided for in this chapter.

32 Sec. 4. Section fifty-five point six (55.6), Code  
33 1975, is amended to read as follows:

34 55.6 ELECTORS--ORGANIZATION. Upon the issuance  
35 of a proclamation by the governor calling such  
36 convention, the qualified voters in each ~~county~~  
37 representative district in the state shall organize  
38 themselves into two groups, one of which groups shall  
39 consist of those persons favoring the ratification  
40 of the amendment proposed by the Congress of the  
41 United States, and the other to consist of persons  
42 opposed thereto.

43 Sec. 5. Section fifty-five point seven (55.7),  
44 Code 1975, is amended to read as follows:

45 55.7 ~~COUNTY~~ REPRESENTATIVE DISTRICT CONVENTION.

46 At eleven o'clock a.m., on the fourth Monday following  
47 the date of issuance of such proclamation by the gov-  
48 ernor, the group of qualified voters in each ~~county~~  
49 representative district favoring the ratification  
50 of such proposed amendment, and the group opposed

1 thereto, shall convene in separate county district  
2 ~~conventions at the seat of government of such county,~~  
3 ~~at such places as the county auditor of such county~~  
4 ~~shall designate, and such auditor shall publish such~~  
5 ~~designation of places by one publication~~ such places  
6 within the district designated by the secretary of  
7 state. The secretary of state shall publish in two  
8 newspapers if there be such two newspapers of general  
9 circulation in said county, at least three days prior  
10 to said convention, and shall nominate one delegate  
11 as a candidate to the convention hereinafter provided  
12 for.

13 Sec. 6. Section fifty-five point eight (55.8),  
14 Code 1975, is amended to read as follows:

15 55.8 CANDIDATES--STATEMENT REQUIRED. No person  
16 shall be nominated at any county district conven-  
17 tion held under the provisions of this chapter until  
18 he or she has executed and delivered to the chairman  
19 of such county district convention a statement signed  
20 by him or her and attested by the chairman and  
21 secretary of the convention in the following form:

22 DELEGATE'S STATEMENT

23 I, ....., hereby certify  
24 that I am a qualified elector of the state of Iowa;  
25 that for more than ..... (years) (months) last past  
26 I have resided in the .....; that I am  
27 favorable to (or opposed to) the ratification of the  
28 amendment to the Constitution of the United States  
29 of America, proposed by the Congress of the United  
30 States on the ..... day of .....,  
31 19....

32 Dated this ..... day of .....,  
33 19....

34 .....  
35 .....

36 Chairman, county district convention  
37 For ratification  
38 Against ratification

39 .....  
40 Secretary, county district convention  
41 For ratification  
42 Against ratification

43 Sec. 7. Section fifty-five point nine (55.9),  
44 Code 1975, is amended to read as follows:

45 55.9 NOMINATIONS CERTIFIED. It shall be the duty  
46 of the chairman and secretary of each of such county  
47 district conventions before adjournment thereof to  
48 certify the name of the person nominated as delegate  
49 to the convention by their respective county district  
50 conventions to the state commissioner, which

1 certification and the written statement of the person  
2 so nominated shall be delivered to the state  
3 commissioner not later than nine o'clock in the  
4 forenoon of the third day following the day during  
5 which the county district convention was held.

6 Sec. 8. Section fifty-five point ten (55.10),  
7 Code 1975, is amended to read as follows:

8 55.10 JUDGES AND CLERKS. The chairman and  
9 secretary of each county district convention shall  
10 select from among the membership of its group in such  
11 county district one person to act as judge of election,  
12 and two persons to act as clerks of election, in each  
13 of the several voting precincts in such county  
14 district; the person so selected to perform such  
15 services without compensation, and the said chairman  
16 and secretary of each of such county district  
17 conventions shall certify to the commissioner the  
18 names and addresses of the persons so selected, which  
19 certification shall be made not later than nine o'clock  
20 in the forenoon of the second day following the date  
21 on which such county district convention was held.  
22 In the event that the judge and clerk or clerks of  
23 election, as above provided, shall fail or refuse  
24 to act, the chairman and secretary of the respective  
25 county district conventions are authorized to fill  
26 the vacancy thus caused, and if practicable shall  
27 certify the names appointed to fill such vacancy to  
28 the commissioner. If vacancies occur in the office  
29 of the judge or clerk of election, and they are not  
30 filled as herein provided, then and in that event,  
31 the acting judges and clerks shall fill such vacancies,  
32 and the failure of any judge or clerk of election  
33 named, as in this chapter provided, to act at the  
34 election, shall in no wise invalidate the election.

35 Sec. 9. Section fifty-five point thirteen (55.13),  
36 Code 1975, is amended to read as follows:

37 55.13 PUBLICATION REQUIRED. The state commissioner  
38 shall cause said ballots, together with the governor's  
39 proclamation of such special election, to be published  
40 in two newspapers of general circulation in each  
41 county representative district at least ten days prior  
42 to the date of such special election.

43 Sec. 10. Section fifty-five point fourteen (55.14),  
44 Code 1975, is amended to read as follows:

45 55.14 BALLOTS--ARRANGEMENT OF NAMES. It shall  
46 be the duty of the state commissioner, as the  
47 certificates of nomination of candidates for election  
48 to the office of delegate at large to the state  
49 convention are filed in his office, as in this chapter  
50 provided, to list the same alphabetically by counties  
1 representative districts in two groups, one group  
2 to consist of the names of the nominees favoring the  
3 ratification of the proposed constitutional amendment,  
4 and the other to consist of the names of the nominees  
5 opposed thereto."

AN ACT  
TO REPEAL THE PROCEDURE FOR ESTABLISHMENT OF A CONVENTION  
TO RATIFY AMENDMENTS TO THE CONSTITUTION OF THE UNITED  
STATES.

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

Section 1. Chapter fifty-five (55), Code 1975, is repealed.

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ARTHUR A. NEU  
President of the Senate

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DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 288, Sixty-sixth General Assembly.

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STEVEN C. CROSS  
Secretary of the Senate

Approved June 23, 1976

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ROBERT D. RAY  
Governor