

Sen. Local Gov. 3/17  
Do Pass 3/23 (p. 980)

MAR 4 1988

Place On Calendar

HOUSE FILE 2388  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(Formerly House File 2245)✓

Passed House, Date 3/17/88 (p. 874) Passed Senate, Date 3/29/88 (p. 1101)

Vote: Ayes 93 Nays 4 Vote: Ayes 49 Nays 1

Approved April 11, 1988 (p. 1704)

**A BILL FOR**

1 An Act relating to the petition signatures required to call an  
2 election to fill a vacancy in an elective city office.

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

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HF 2388

1 Section 1. Section 372.13, subsection 2, paragraph a, Code  
2 Supplement 1987, is amended to read as follows:

3 a. By appointment by the remaining members of the council,  
4 except that if the remaining members do not constitute a  
5 quorum of the full membership, paragraph "b" shall be  
6 followed. The appointment shall be for the period until the  
7 next pending election as defined in section 69.12, and shall  
8 be made within forty days after the vacancy occurs. If the  
9 council chooses to proceed under this paragraph, it shall  
10 publish notice in the manner prescribed by section 362.3,  
11 stating that the council intends to fill the vacancy by  
12 appointment but that the electors of the city or ward, as the  
13 case may be, have the right to file a petition requiring that  
14 the vacancy be filled by a special election. The council may  
15 publish notice in advance if an elected official submits a  
16 resignation to take effect at a future date. The council may  
17 make an appointment to fill the vacancy after the notice is  
18 published or after the vacancy occurs, whichever is later.  
19 However, if within fourteen days after publication of the  
20 notice or within fourteen days after the appointment is made,  
21 whichever is later, there is filed with the city clerk a  
22 petition which requests a special election to fill the vacancy  
23 ~~and which is signed by eligible electors who are, or would be~~  
24 ~~if registered, entitled to vote to fill the office in~~  
25 ~~question, equal in number to two percent of those who voted~~  
26 ~~for candidates for the office at the last preceding regular~~  
27 ~~election at which the office was on the ballot, but not less~~  
28 ~~than ten persons,~~ an appointment to fill the vacancy is  
29 temporary and the council shall call a special election to  
30 fill the vacancy permanently, under paragraph "b". The number  
31 of signatures of eligible electors of a city for a valid  
32 petition shall be determined as follows:

33 (1) For a city with a population of ten thousand or less,  
34 at least two hundred signatures or at least the number of  
35 signatures equal to fifteen percent of the voters who voted

1 for candidates for the office at the preceding regular  
2 election at which the office was on the ballot, whichever  
3 number is fewer.

4 (2) For a city with a population of more than ten thousand  
5 but not more than fifty thousand, at least one thousand  
6 signatures or at least the number of signatures equal to  
7 fifteen percent of the voters who voted for candidates for the  
8 office at the preceding regular election at which the office  
9 was on the ballot, whichever number is fewer.

10 (3) For a city with a population of more than fifty  
11 thousand, at least two thousand signatures or at least the  
12 number of signatures equal to ten percent of the voters who  
13 voted for candidates for the office at the preceding regular  
14 election at which the office was on the ballot, whichever  
15 number is fewer.

16 (4) The minimum number of signatures for a valid petition  
17 pursuant to subparagraphs (1) through (3) shall not be fewer  
18 than ten.

19 EXPLANATION

20 This bill increases the number of signatures of eligible  
21 voters in most cities who must petition to call an election to  
22 fill a vacant city office in lieu of appointment by the city  
23 council.

24 For a city with a population of ten thousand or less, at  
25 least two hundred signatures or at least the number of  
26 signatures equal to fifteen percent of those voters who voted  
27 for the office at the last regular election at which the  
28 office was on the ballot, whichever number is fewer.

29 For a city with a population of more than ten thousand but  
30 not more than fifty thousand, at least one thousand signatures  
31 or at least the number of signatures equal to fifteen percent  
32 of those voters who voted for the office at the last regular  
33 election at which the office was on the ballot, whichever  
34 number is fewer.

35 For a city with a population of more than fifty thousand,

1 at least two thousand signatures or at least the number of  
2 signatures equal to fifteen percent of those voters who voted  
3 for the office at the last regular election at which the  
4 office was on the ballot, whichever number is fewer.

5 The minimum number of signatures for small cities remains  
6 at ten.

7 SIMILAR TO HF 2245 (LSB 8226H)

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HOUSE FILE 2388

AN ACT

RELATING TO THE PETITION SIGNATURES REQUIRED TO CALL AN ELECTION TO FILL A VACANCY IN AN ELECTIVE CITY OFFICE.

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

Section 1. Section 372.13, subsection 2, paragraph a, Code Supplement 1987, is amended to read as follows:

a. By appointment by the remaining members of the council, except that if the remaining members do not constitute a quorum of the full membership, paragraph "b" shall be followed. The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the council chooses to proceed under this paragraph, it shall publish notice in the manner prescribed by section 362.3, stating that the council intends to fill the vacancy by appointment but that the electors of the city or ward, as the case may be, have the right to file a petition requiring that the vacancy be filled by a special election. The council may publish notice in advance if an elected official submits a

resignation to take effect at a future date. The council may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, whichever is later, there is filed with the city clerk a petition which requests a special election to fill the vacancy ~~and which is signed by eligible electors who are, or would be if registered, entitled to vote to fill the office in question, equal in number to two percent of those who voted for candidates for the office at the last preceding regular election at which the office was on the ballot, but not less than ten persons,~~ an appointment to fill the vacancy is temporary and the council shall call a special election to fill the vacancy permanently, under paragraph "b". The number of signatures of eligible electors of a city for a valid petition shall be determined as follows:

(1) For a city with a population of ten thousand or less, at least two hundred signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

(2) For a city with a population of more than ten thousand but not more than fifty thousand, at least one thousand signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

(3) For a city with a population of more than fifty thousand, at least two thousand signatures or at least the number of signatures equal to ten percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

(4) The minimum number of signatures for a valid petition pursuant to subparagraphs (1) through (3) shall not be fewer than ten.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2388, Seventy-second General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 11, 1988

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TERRY E. BRANSTAD  
Governor