

Local Government: Muhlbauser, Chair: Fuller and Renken.

*No. Passed 3/17/87 (p. 400)*

JAN 19 1987

LOCAL GOVERNMENT

HOUSE FILE 47

BY PAVICH

Passed House, Date 2-22-87 (p. 436) Passed Senate, Date 4-13-87Vote: Ayes 61 Nays 34 Vote: Ayes 49 Nays 0

Approved

April 29, 1987*Motion to reconsider (p. 442) prevailed 3/4/87**Repassed House 3-4-87 (p. 523)*  
95-4

## A BILL FOR

1 An Act relating to the appointment of township officers.

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

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

HF 47

1 Section 1. Section 39.18, Code 1987, is amended to read as  
2 follows:

3 39.18 BOARD OF SUPERVISORS ~~AND-TOWNSHIP-TRUSTEES~~.

4 There shall be elected, biennially, in counties and  
5 townships, members of the board of supervisors and-township  
6 trustees, ~~respectively~~, to succeed those whose terms of office  
7 will expire on the first day of January following the election  
8 which is not a Sunday or legal holiday. The term of office of  
9 each supervisor ~~or-trustee~~ shall be four years, except as  
10 otherwise provided by section 331.208 or 331.209.

11 Sec. 2. Section 39.22, Code 1987, is amended by striking  
12 the section and inserting in lieu thereof the following:

13 39.22 TOWNSHIP OFFICERS.

14 The offices of township trustee and township clerk shall be  
15 filled by appointment or election as follows:

16 1. BY APPOINTMENT. The county board of supervisors may  
17 pass a resolution in favor of filling the offices of trustee  
18 and clerk within a township by appointment by the board, and  
19 may direct the county commissioner of elections to submit the  
20 question to the voters of the township at the next general  
21 election. If the proposition to fill the township offices by  
22 appointment is approved by a majority of the voters, the board  
23 shall fill the offices by appointment as the terms of office  
24 of the incumbent township officers expire.

25 2. BY ELECTION. If the county board of supervisors does  
26 not have the power provided under subsection 1 to fill the  
27 offices of trustee and clerk within a township by appointment,  
28 then the offices of township trustee and township clerk shall  
29 be filled by election. Township trustees and the township  
30 clerk, in townships which do not include a city, shall be  
31 elected by the voters of the entire township. In townships  
32 which include a city, the officers shall be elected by the  
33 voters of the township who reside outside the corporate limits  
34 of the city, but a township officer may be a resident of the  
35 city.

1 a. TOWNSHIP TRUSTEES. Township trustees shall be elected  
2 biennially to succeed those whose terms of office expire on  
3 the first day of January following the election which is not a  
4 Sunday or legal holiday. The term of office of each elected  
5 township trustee is four years.

6 b. TOWNSHIP CLERK. At the general election held in the  
7 year 1990 and every four years thereafter, in each civil  
8 township one township clerk shall be elected who shall hold  
9 office for the term of four years.

10 Sec. 3. Section 39.23, Code 1987, is repealed.

11 Sec. 4. Section 69.8, subsection 5, Code 1987, is amended  
12 to read as follows:

13 5. ELECTED TOWNSHIP OFFICES. In When a vacancy occurs in  
14 an elective township offices office under section 39.22,  
15 including trustees trustee, the vacancy shall be filled, by  
16 the trustees, but where if the offices of the three trustees  
17 are all vacant, the county board of supervisors shall-have-the  
18 power-to-either may instruct the county auditor to fill the  
19 vacancies or may adopt a resolution stating that the board  
20 will exercise all powers and duties assigned by law to the  
21 trustees of the township in which such the vacancies exist,  
22 until such-time-as the vacancies may be filled by election.  
23 If a township office vacancy is not filled by the trustees or  
24 county auditor within thirty days after the vacancy occurs,  
25 the board of supervisors may appoint a successor to the  
26 unexpired term.

27 EXPLANATION

28 This bill gives the county board of supervisors the power  
29 to fill the offices of township trustee and township clerk by  
30 appointment, if the township voters agree to give the board  
31 this power.

32 This bill authorizes the board of supervisors to appoint a  
33 successor to a vacant elective township office after thirty  
34 days from the date that the vacancy occurs if the township  
35 trustees or the county auditor fail to fill the vacancy as  
36 otherwise provided in the subsection.

HOUSE FILE 47

H-3134

1 Amend House File 47 as follows:

2 1. Page 1, line 24, by inserting after the word  
3 "expire." the following: "The election of the  
4 trustees and clerk of a township may be restored after  
5 approval of the appointment process under this  
6 subsection by a resolution of the board of supervisors  
7 submitting the question to the eligible voters of the  
8 township at the next general election. If the  
9 proposition to restore the election process is  
10 approved by a majority of the eligible voters, the  
11 election of the township officers shall commence with  
12 the next primary and general elections. A resolution  
13 submitting the question of restoring the election of  
14 township officers at the next general election shall  
15 be adopted by the board of supervisors upon petition  
16 of at least ten percent of the eligible voters of a  
17 township. The initial terms of the trustees shall be  
18 determined by lot, one for two years, one for three  
19 years, and one four years. However, if a proposition  
20 to change the method of selecting township officers is  
21 adopted by the electorate, a resolution to change the  
22 method shall not be submitted to the electorate for  
23 four years."

H-3134 FILED MARCH 3, 1987

BY KREMER of Buchanan

*Adopted 3/4/87 (p. 523)*

HOUSE FILE 47

H-3090

1 Amend House File 47 as follows:

2 1. Page 1, line 21, by inserting after the word  
3 "election." the following: "The resolution shall  
4 apply to all townships which have not approved a  
5 proposition to fill township offices by appointment."

6 2. Page 2, line 16, by striking the words "of  
7 the" and inserting the following: "of the two or".

8 3. Page 2, line 17, by striking the word "all"  
9 and inserting the following: "at least".

10 4. Page 2, by striking line 18 and inserting the  
11 following: "~~power-to-either-instruct-the-county~~  
12 ~~auditor-to may~~ fill the".

13 5. Page 2, line 19, by striking the word "or" and  
14 inserting the following: "or. If the offices of  
15 three trustees are vacant, the board".

16 6. Page 2, lines 23 and 24, by striking the words  
17 "or county auditor".

H-3090 FILED FEBRUARY 19, 1987 BY SPEAR of Lee  
*Adopted 2/23/87 (p. 435)*

HOUSE FILE 47

H-3095

1 Amend House File 47 as follows:

2 1. Page 1, line 20, by inserting after the words  
3 "to the" the following: "eligible".

4 2. Page 1, line 21, by inserting after the word  
5 "election." the following: "In a township which does  
6 not include a city, eligible voters shall consist of  
7 the voters of the entire township. In a township  
8 which includes a city, eligible voters are those  
9 voters who reside outside the corporate limits of a  
10 city."

11 3. Page 1, line 22, by inserting after the words  
12 "of the" the following: "eligible".

H-3095 FILED FEBRUARY 19, 1987 BY KREMER of Buchanan  
*Adopted 2/23/87 (p. 435)*

Gen. Local Govt. 3/10/87 D. Pass 4/2/87 (p. 1065)

House File 47

LOCAL GOVERNMENT: Hall, Chair; Vande Hoef and Fraise

HOUSE FILE 47  
BY PAVICH

(As Amended and Passed by the House March 4, 1987)

Passed House, Date 3/4/87 (p. 436) Passed Senate, Date 4-13-87 (p. 1239)

Vote: Ayes 95 Nays 4 Vote: Ayes 49 Nays 0

Approved April 29, 1987 (p. 1761)

### A BILL FOR

- 1 An Act relating to the appointment of township officers.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3

4

5

House Amendments \_\_\_\_\_

6

Deleted Language \*

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

HF 47

ms/pk/25

1 Section 1. Section 39.18, Code 1987, is amended to read as  
2 follows:

3 39.18 BOARD OF SUPERVISORS AND-TOWNSHIP-TRUSTEES.

4 There shall be elected, biennially, in counties and  
5 townships, members of the board of supervisors and-township  
6 trustees, respectively, to succeed those whose terms of office  
7 will expire on the first day of January following the election  
8 which is not a Sunday or legal holiday. The term of office of  
9 each supervisor or-trustee shall be four years, except as  
10 otherwise provided by section 331.208 or 331.209.

11 Sec. 2. Section 39.22, Code 1987, is amended by striking  
12 the section and inserting in lieu thereof the following:

13 39.22 TOWNSHIP OFFICERS.

14 The offices of township trustee and township clerk shall be  
15 filled by appointment or election as follows:

16 1. BY APPOINTMENT. The county board of supervisors may  
17 pass a resolution in favor of filling the offices of trustee  
18 and clerk within a township by appointment by the board, and  
19 may direct the county commissioner of elections to submit the  
20 question to the eligible voters of the township at the next  
21 general election. In a township which does not include a  
22 city, eligible voters shall consist of the voters of the  
23 entire township. In a township which includes a city,  
24 eligible voters are those voters who reside outside the  
25 corporate limits of a city. The resolution shall apply to all  
26 townships which have not approved a proposition to fill  
27 township offices by appointment. If the proposition to fill  
28 the township offices by appointment is approved by a majority  
29 of the eligible voters, the board shall fill the offices by  
30 appointment as the terms of office of the incumbent township  
31 officers expire. The election of the trustees and clerk of a  
32 township may be res. red after approval of the appointment  
33 process under this subsection by a resolution of the board of  
34 supervisors submitting the question to the eligible voters of  
35 the township at the next general election. If the proposition

1 to restore the election process is approved by a majority of  
2 the eligible voters, the election of the township officers  
3 shall commence with the next primary and general elections. A  
4 resolution submitting the question of restoring the election  
5 of township officers at the next general election shall be  
6 adopted by the board of supervisors upon petition of at least  
7 ten percent of the eligible voters of a township. The initial  
8 terms of the trustees shall be determined by lot, one for two  
9 years, one for three years, and one four years. However, if a  
10 proposition to change the method of selecting township  
11 officers is adopted by the electorate, a resolution to change  
12 the method shall not be submitted to the electorate for four  
13 years.

14 2. BY ELECTION. If the county board of supervisors does  
15 not have the power provided under subsection 1 to fill the  
16 offices of trustee and clerk within a township by appointment,  
17 then the offices of township trustee and township clerk shall  
18 be filled by election. Township trustees and the township  
19 clerk, in townships which do not include a city, shall be  
20 elected by the voters of the entire township. In townships  
21 which include a city, the officers shall be elected by the  
22 voters of the township who reside outside the corporate limits  
23 of the city, but a township officer may be a resident of the  
24 city.

25 a. TOWNSHIP TRUSTEES. Township trustees shall be elected  
26 biennially to succeed those whose terms of office expire on  
27 the first day of January following the election which is not a  
28 Sunday or legal holiday. The term of office of each elected  
29 township trustee is four years.

30 b. TOWNSHIP CLERK. At the general election held in the  
31 year 1990 and every four years thereafter, in each civil  
32 township one township clerk shall be elected who shall hold  
33 office for the term of four years.

34 Sec. 3. Section 39.23, Code 1987, is repealed.

35 Sec. 4. Section 69.3, subsection 5, Code 1987, is amended



1 to read as follows:

2 5. ELECTED TOWNSHIP OFFICES. ~~In~~ When a vacancy occurs in  
3 an elective township offices office under section 39.22,  
4 including trustees trustee, the vacancy shall be filled, by  
5 the trustees, but where if the offices of the two or three  
6 trustees are all vacant, the county board of supervisors shall  
7 have-the-power-to-either-instruct-the-county-auditor-to may  
8 fill the vacancies or. If the offices of three trustees are  
9 vacant, the board may adopt a resolution stating that the  
10 board will exercise all powers and duties assigned by law to  
11 the trustees of the township in which such the vacancies  
12 exist, until such-time-as the vacancies may be filled by  
13 election. If a township office vacancy is not filled by the  
\*14 trustees within thirty days after the vacancy occurs, the  
15 board of supervisors may appoint a successor to the unexpired  
16 term.

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

HOUSE FILE 47

AN ACT  
RELATING TO THE APPOINTMENT OF TOWNSHIP OFFICERS.

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

Section 1. Section 39.18, Code 1987, is amended to read as follows:

39.18 BOARD OF SUPERVISORS AND-TOWNSHIP-TRUSTEES.

There shall be elected, biennially, in counties and townships, members of the board of supervisors and-township trustees, respectively, to succeed those whose terms of office will expire on the first day of January following the election which is not a Sunday or legal holiday. The term of office of each supervisor or-trustee shall be four years, except as otherwise provided by section 331.208 or 331.209.

Sec. 2. Section 39.22, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

39.22 TOWNSHIP OFFICERS.

The offices of township trustee and township clerk shall be filled by appointment or election as follows:

1. BY APPOINTMENT. The county board of supervisors may pass a resolution in favor of filling the offices of trustee and clerk within a township by appointment by the board, and may direct the county commissioner of elections to submit the question to the eligible voters of the township at the next general election. In a township which does not include a city, eligible voters shall consist of the voters of the entire township. In a township which includes a city, eligible voters are those voters who reside outside the corporate limits of a city. The resolution shall apply to all townships which have not approved a proposition to fill township offices by appointment. If the proposition to fill the township offices by appointment is approved by a majority of the eligible voters, the board shall fill the offices by appointment as the terms of office of the incumbent township officers expire. The election of the trustees and clerk of a township may be restored after approval of the appointment process under this subsection by a resolution of the board of supervisors submitting the question to the eligible voters of the township at the next general election. If the proposition to restore the election process is approved by a majority of the eligible voters, the election of the township officers shall commence with the next primary and general elections. A resolution submitting the question of restoring the election of township officers at the next general election shall be adopted by the board of supervisors upon petition of at least ten percent of the eligible voters of a township. The initial terms of the trustees shall be determined by lot, one for two years, one for three years, and one four years. However, if a proposition to change the method of selecting township officers is adopted by the electorate, a resolution to change the method shall not be submitted to the electorate for four years.

2. BY ELECTION. If the county board of supervisors does not have the power provided under subsection 1 to fill the offices of trustee and clerk within a township by appointment, then the offices of township trustee and township clerk shall be filled by election. Township trustees and the township clerk, in townships which do not include a city, shall be elected by the voters of the entire township. In townships which include a city, the officers shall be elected by the voters of the township who reside outside the corporate limits of the city, but a township officer may be a resident of the city.

a. TOWNSHIP TRUSTEES. Township trustees shall be elected biennially to succeed those whose terms of office expire on the first day of January following the election which is not a Sunday or legal holiday. The term of office of each elected township trustee is four years.

b. TOWNSHIP CLERK. At the general election held in the year 1990 and every four years thereafter, in each civil township one township clerk shall be elected who shall hold office for the term of four years.

Sec. 3. Section 39.23, Code 1987, is repealed.

Sec. 4. Section 69.8, subsection 5, Code 1987, is amended to read as follows:

5. ELECTED TOWNSHIP OFFICES. In When a vacancy occurs in an elective township offices office under section 39.22, including trustees trustee, the vacancy shall be filled, by the trustees, but where if the offices of the two or three trustees are all vacant, the county board of supervisors shall have-the-power-to-either-instruct-the-county-auditor-to may fill the vacancies or. If the offices of three trustees are vacant, the board may adopt a resolution stating that the board will exercise all powers and duties assigned by law to the trustees of the township in which such the vacancies exist, until such-time-as the vacancies may be filled by election. If a township office vacancy is not filled by the

trustees within thirty days after the vacancy occurs, the board of supervisors may appoint a successor to the unexpired term.

---

DONALD D. AVENSON  
Speaker of the House

---

JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 47, Seventy-second General Assembly.

Approved April 29, 1987

---

JOSEPH O'HERN  
Chief Clerk of the House

---

TERRY E. BRANSTAD  
Governor