

reprinted

MAR 9 1989

LOCAL GOVERNMENT  
DO PASS 3-17-89 (p. 841)

HOUSE FILE 522  
BY MERTZ and BRANSTAD

(P. 1399)

Passed House Date 4/4-89 (p. 1240) Passed Senate, Date 4/12/89  
Vote: Ayes 89 Nays 5 Vote: Ayes 45 Nays 0  
Approved May 24, 1989

A BILL FOR

1 An Act relating to the filling of a vacancy on the county board  
2 of supervisors.

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

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HF 522

1 Section 1. Section 43.78, subsection 4, Code 1989, is  
2 amended to read as follows:

3 4. Political party candidates for a vacant seat in the  
4 United States house of representatives, the board of  
5 supervisors, or the general assembly which is to be filled at  
6 a special election called pursuant to section 69.14 or 69.14A  
7 shall be nominated in the manner provided by subsection 1 of  
8 this section for filling a vacancy on the general election  
9 ballot for the same office. The name of any candidate so  
10 nominated shall be submitted in writing to the state  
11 commissioner, as required by section 43.38, at the earliest  
12 practicable time.

13 Sec. 2. Section 69.8, subsection 4, Code 1989, is amended  
14 to read as follows:

15 4. Board of supervisors. In the membership of the board of  
3579-16 supervisors, by the treasurer, auditor, and recorder, or as  
17 provided in section 69.14A. ~~In-the-event-that~~ If any of these  
18 offices have been abolished through consolidation, the county  
19 attorney shall serve on this committee.

20 Sec. 3. NEW SECTION. 69.14A SPECIAL ELECTION FOR  
21 SUPERVISOR VACANCY.

3579 22 The committee of county officers designated to fill a  
23 vacancy on the board of supervisors may call for a special  
24 election to fill the vacancy in lieu of appointment if section  
25 69.13, subsection 2, does not apply. The committee shall  
26 order the special election not later than ten days from the  
27 date that the vacancy exists and give at least thirty days'  
28 notice of the election. A special election called under this  
29 section shall be held on a Tuesday and shall not be held on  
30 the same day as a school election within the county.

31 EXPLANATION

32 This bill authorizes the committee of county officers  
33 (treasurer, auditor, and recorder or county attorney in case  
34 of office consolidation) to call a special election to fill a  
35 county supervisor vacancy in lieu of appointment. The special

1 election does not apply if the vacancy occurs sixty or more  
2 days before a general election and the unexpired term has more  
3 than seventy days to run after that general election.

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## HOUSE FILE 522

H-3579

Amend House File 522 as follows:

1. Page 1, line 16, by striking the word "or" and  
3 inserting the following: "unless an election is  
4 called".

2. Page 1, by striking lines 22 through 30 and  
6 inserting the following:

7 "1. When a vacancy exists on the board of  
8 supervisors, the committee of county officers  
9 designated to fill the vacancy shall publish notice as  
10 provided in section 331.305 indicating the method,  
11 appointment or special election, by which the  
12 committee intends to fill the vacancy. If appointment  
13 is selected by the committee, the appointment may be  
14 made after the notice is published. However, if  
15 within fourteen days after the date of the notice or  
16 within fourteen days after the appointment is made,  
17 whichever date is later, a petition requesting a  
18 special election to fill the vacancy is filed with the  
19 county auditor, the appointment is temporary and a  
20 special election shall be called as provided in  
21 subsection 2. The petition shall meet the re-  
22 quirements of section 331.306.

23 2. The committee of county officers may, on its  
24 own motion, or shall, upon receipt of a petition as  
25 provided in subsection 1, call for a special election  
26 to fill the vacancy in lieu of appointment if section  
27 69.13, subsection 2, does not apply. The committee  
28 shall order the special election at the earliest  
29 practicable date, but giving at least thirty days'  
30 notice of the election. A special election called  
31 under this section shall be held on a Tuesday and  
32 shall not be held on the same day as a school election  
33 within the county."

By CONNORS of Polk

H-3579 FILED MARCH 23, 1989

Adopted 4-4-89 (P. 1239)

HOUSE FILE 522  
FISCAL NOTE

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A fiscal note for HOUSE FILE 522 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 522 permits a committee of county officers (treasurer, auditor, and recorder or county attorney) to call a special election to fill a vacancy on the county board of supervisors in lieu of appointment.

Fiscal Impact:

Since election costs are borne by the counties, there will be no cost to the General Fund. Given that a committee of county officers may choose between having a special election or appointing a county supervisor, no estimate of how many special elections will be held can be made at this time. If a special election were held, the costs would be expected to range between \$4,500 for a small county (with no primary) up to \$50,000 in a large county with a full county-wide election. These costs would vary greatly depending on a variety of factors.

Source: Secretary of State  
Polk County Auditor  
Linn County Auditor  
Dickinson County Auditor  
Fremont County Auditor

(LSB 2424h, MDF)

FILED APRIL 4, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

John. Local Govt.  
DC PASS 4-6-89 (P1241)

HOUSE FILE 522  
BY MERTZ and BRANSTAD

(As Amended and Passed by the House April 4, 1989)

Re Passed House, Date 4-24-89 (P185) Passed Senate, Date 4-12-89 (P1399)  
Vote: Ayes 95 Nays 2 Vote: Ayes 45 Nays 0  
Approved May 24, 1989

Repassed by senate 4-25-89  
(P.1672)

A BILL FOR

APR 48 NAYS 0

1 An Act relating to the filling of a vacancy on the county board  
2 of supervisors.

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

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

3646 amend all -  
3674 amend all -

1 Section 1. Section 43.78, subsection 4, Code 1989, is  
2 amended to read as follows:

3 4. Political party candidates for a vacant seat in the  
4 United States house of representatives, the board of

3646 5 supervisors, or the general assembly which is to be filled at  
6 a special election called pursuant to section 69.14 or 69.14A  
7 shall be nominated in the manner provided by subsection 1 of  
8 this section for filling a vacancy on the general election  
9 ballot for the same office. The name of any candidate so  
10 nominated shall be submitted in writing to the state  
11 commissioner, as required by section 43.88, at the earliest  
12 practicable time.

3646 13 Sec. 2. Section 69.8, subsection 4, Code 1989, is amended  
14 to read as follows:

15 4. Board of supervisors. In the membership of the board of  
16 supervisors, by the treasurer, auditor, and recorder, unless  
17 an election is called as provided in section 69.14A. ~~In the~~  
18 ~~event that~~ If any of these offices have been abolished through  
19 consolidation, the county attorney shall serve on this  
20 committee.

21 Sec. 3. NEW SECTION. 69.14A SPECIAL ELECTION FOR  
22 SUPERVISOR VACANCY.

3646 23 1. When a vacancy exists on the board of supervisors, the  
24 committee of county officers designated to fill the vacancy  
25 shall publish notice as provided in section 331.305 indicating  
26 the method, appointment or special election, by which the  
27 committee intends to fill the vacancy. If appointment is  
28 selected by the committee, the appointment may be made after  
29 the notice is published. However, if within fourteen days  
30 after the date of the notice or within fourteen days after the  
31 appointment is made, whichever date is later, a petition  
32 requesting a special election to fill the vacancy is filed  
33 with the county auditor, the appointment is temporary and a  
34 special election shall be called as provided in subsection 2.  
35 The petition shall meet the requirements of section 331.306.

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36461 2. The committee of county officers may, on its own  
2 motion, or shall, upon receipt of a petition as provided in  
3 subsection 1, call for a special election to fill the vacancy  
4 in lieu of appointment if section 69.13, subsection 2, does  
5 not apply. The committee shall order the special election at  
6 the earliest practicable date, but giving at least thirty  
7 days' notice of the election. A special election called under  
8 this section shall be held on a Tuesday and shall not be held  
9 on the same day as a school election within the county.

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S-3674

1 Amend House File 522, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 43.78, subsection 4, Code  
6 1989, is amended to read as follows:

7 4. Political party candidates for a vacant seat in  
8 the United States house of representatives, the board  
9 of supervisors, the elected county offices, or the  
10 general assembly which is to be filled at a special  
11 election called pursuant to section 69.14 or 69.14A  
12 shall be nominated in the manner provided by  
13 subsection 1 of this section for filling a vacancy on  
14 the general election ballot for the same office. The  
15 name of any candidate so nominated shall be submitted  
16 in writing to the state commissioner, as required by  
17 section 43.88, at the earliest practicable time.

18 Sec. 2. Section 69.8, subsection 3, Code 1989, is  
19 amended to read as follows:

20 3. County offices. In county offices, by the  
21 board of supervisors, unless an election is called as  
22 provided in section 69.14A.

23 Sec. 3. Section 69.8, subsection 4, Code 1989, is  
24 amended to read as follows:

25 4. Board of supervisors. In the membership of the  
26 board of supervisors, by the treasurer, auditor, and  
27 recorder, or as provided in section 69.14A. In the  
28 event that if any of these offices have been abolished  
29 through consolidation, the county attorney shall serve  
30 on this committee.

31 Sec. 4. NEW SECTION. 69.14A SPECIAL ELECTION FOR  
32 SUPERVISOR VACANCY.

33 The committee of county officers designated to fill  
34 a vacancy on the board of supervisors or the board of  
35 supervisors to fill a vacancy in an elected county  
36 office may call for a special election to fill the  
37 vacancy in lieu of appointment if section 69.13,  
38 subsection 2, does not apply. The committee or the  
39 board shall order the special election not later than  
40 ten days from the date that the vacancy exists and  
41 give at least thirty days' notice of the election. A  
42 special election called under this section shall be  
43 held on a Tuesday and shall not be held on the same  
44 day as a school election within the county.

45 Sec. 5. Section 331.322, subsection 3, Code 1989,  
46 is amended to read as follows:

47 3. Fill vacancies in county offices in accordance  
48 with sections 69.8 to 69.13 69.14A, and make  
49 appointments in accordance with section 69.16 unless a  
50 special election is called pursuant to section

Page 2

1 69.14A."

2 2. Title page, line 2, by inserting after the  
3 word "supervisors" the following: "or in the elected  
4 county offices".

By BERL E. PRIEBE  
MAGGIE TINSMAN  
BOB M. CARR

EUGENE FRAISE  
ALVIN V. MILLER

## HOUSE FILE 522

S-3646

- 1 Amend House File 522, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 1, line 5, by inserting after the word  
4 "supervisors," the following: "the elected county  
5 offices,".
- 6 2. Page 1, by inserting after line 12 the  
7 following:  
8 "Sec. \_\_\_\_ . Section 69.8, subsection 3, Code 1989,  
9 is amended to read as follows:
- 10 3. County offices. In county offices, by the  
11 board of supervisors, unless an election is called as  
12 provided in section 69.14A."
- 13 3. Page 1, by striking lines 28 and 29 and  
14 inserting the following: "selected by the committee,  
15 the appointment may be made before publication of the  
16 notice, but the appointment shall be made within forty  
17 days after the vacancy occurs. However, if within  
18 fourteen days".
- 19 4. Page 1, line 34, by striking the number "2"  
20 and inserting the following: "3".
- 21 5. Page 1, by inserting after line 35 the  
22 following:  
23 "2. When a vacancy exists in an elected county  
24 office, the board of supervisors shall publish notice  
25 as provided in section 331.305 indicating the method,  
26 appointment or special election, by which the board  
27 intends to fill the vacancy. If appointment is  
28 selected by the board, the appointment may be made  
29 before publication of the notice, but the appointment  
30 shall be made within forty days after the vacancy  
31 occurs. However, if within fourteen days after the  
32 date of the notice or within fourteen days after the  
33 appointment is made, whichever date is later, a  
34 petition requesting a special election to fill the  
35 vacancy is filed with the county auditor, the  
36 appointment is temporary and a special election shall  
37 be called as provided in subsection 3. The petition  
38 shall meet the requirements of section 331.306."
- 39 6. Page 2, by striking line 1 and inserting the  
40 following:  
41 "3. The committee of county officers or board of  
42 supervisors as applicable may, on its own".
- 43 7. Page 2, line 5, by inserting after the word  
44 "committee" the following: "or board".
- 45 8. Page 2, by inserting after line 9 the  
46 following:  
47 "Sec. \_\_\_\_ . Section 331.322, subsection 3, Code  
48 1989, is amended to read as follows:  
49 3. Fill vacancies in county offices in accordance  
50 with sections 69.8 to 69.13 69.14A, and make

S-3646

Page 2

1 appointments in accordance with section 69.16 unless a  
2 special election is called pursuant to section 69.14A.  
3 9. Title page, line 2, by inserting after the  
4 word "supervisors" the following: "or in the elected  
5 county offices".

By BERL E. PRIEBE  
ALVIN V. MILLER  
MAGGIE TINSMAN

S-3646 FILED APRIL 11, 1989

*Act of Order 4-12-89 (p. 1399)*

## SENATE AMENDMENT TO HOUSE FILE 522

7-4046

1 Amend House File 522, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 43.78, subsection 4, Code  
6 1989, is amended to read as follows:

7 4. Political party candidates for a vacant seat in  
8 the United States house of representatives, the board  
9 of supervisors, the elected county offices, or the  
10 general assembly which is to be filled at a special  
11 election called pursuant to section 69.14 or 69.14A  
12 shall be nominated in the manner provided by  
13 subsection 1 of this section for filling a vacancy on  
14 the general election ballot for the same office. The  
15 name of any candidate so nominated shall be submitted  
16 in writing to the state commissioner, as required by  
17 section 43.88, at the earliest practicable time.

18 Sec. 2. Section 69.8, subsection 3, Code 1989, is  
19 amended to read as follows:

20 3. County offices. In county offices, by the  
21 board of supervisors, unless an election is called as  
22 provided in section 69.14A.

23 Sec. 3. Section 69.8, subsection 4, Code 1989, is  
24 amended to read as follows:

25 4. Board of supervisors. In the membership of the  
26 board of supervisors, by the treasurer, auditor, and  
27 recorder, or as provided in section 69.14A. ~~In the~~  
28 ~~event that~~ if any of these offices have been abolished  
29 through consolidation, the county attorney shall serve  
30 on this committee.

4116-31 Sec. 4. NEW SECTION. 69.14A SPECIAL ELECTION FOR  
32 SUPERVISOR VACANCY.

33 The committee of county officers designated to fill  
34 a vacancy on the board of supervisors or the board of  
35 supervisors to fill a vacancy in an elected county  
36 office may call for a special election to fill the  
37 vacancy in lieu of appointment if section 69.13,  
38 subsection 2, does not apply. The committee or the  
39 board shall order the special election not later than  
40 ten days from the date that the vacancy exists and  
41 give at least thirty days' notice of the election. A  
42 special election called under this section shall be  
43 held on a Tuesday and shall not be held on the same  
44 day as a school election within the county.

45 Sec. 5. Section 331.322, subsection 3, Code 1989,  
46 is amended to read as follows:

47 3. Fill vacancies in county offices in accordance  
48 with sections 69.8 to 69.13 69.14A, and make  
49 appointments in accordance with section 69.16 unless a  
50 special election is called pursuant to section

H-4046

Page 2

1 69.14A."

2 2. Title page, line 2, by inserting after the  
3 word "supervisors" the following: "or in the elected  
4 county offices".

RECEIVED FROM THE SENATE

H-4046 FILED APRIL 14, 1989

*House Concurred 4-24-89 (p.1814)*

HOUSE FILE 522

H-4116

1 Amend the Senate amendment, H-4046, to House File  
2 522, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 31 through 44, and  
5 inserting the following:

6 "Sec. 4. NEW SECTION. 69.14A FILLING VACANCY OF  
7 ELECTED COUNTY OFFICER.

8 1. When a vacancy exists on the board of  
9 supervisors, the committee of county officers  
10 designated to fill the vacancy shall publish notice as  
11 provided in section 331.305 indicating the method,  
12 appointment or special election, by which the  
13 committee intends to fill the vacancy. If appointment  
14 is selected by the committee, the appointment may be  
15 made before publication of the notice, but the  
16 appointment shall be made within forty days after the  
17 vacancy occurs. However, if within fourteen days  
18 after the date of the notice or within fourteen days  
19 after the appointment is made, whichever date is  
20 later, a petition requesting a special election to  
21 fill the vacancy is filed with the county auditor, the  
22 appointment is temporary and a special election shall  
23 be called as provided in subsection 3. The petition  
24 shall meet the requirements of section 331.306.

25 2. When a vacancy exists in an elected county  
26 office, the board of supervisors shall publish notice  
27 as provided in section 331.305 indicating the method,  
28 appointment or special election, by which the board  
29 intends to fill the vacancy. If appointment is  
30 selected by the board, the appointment may be made  
31 before publication of the notice, but the appointment  
32 shall be made within forty days after the vacancy  
33 occurs. However, if within fourteen days after the  
34 date of the notice or within fourteen days after the  
35 appointment is made, whichever date is later, a  
36 petition requesting a special election to fill the  
37 vacancy is filed with the county auditor, the  
38 appointment is temporary and a special election shall  
39 be called as provided in subsection 3. The petition  
40 shall meet the requirements of section 331.306.

41 3. The committee of county officers or board of  
42 supervisors as applicable may, on its own motion, or  
43 shall, upon receipt of a petition as provided in this  
44 section, call for a special election to fill the  
45 vacancy in lieu of appointment if section 69.13,  
46 subsection 2, does not apply. The committee or board  
47 shall order the special election at the earliest  
48 practicable date, but giving at least thirty days'  
49 notice of the election. A special election called  
50 under this section shall be held on a Tuesday and

Page 2

1 shall not be held on the same day as a school election  
2 within the county."

By CONNORS of Polk  
MERTZ of Kossuth

H-4116 FILED APRIL 19, 1989

Adopted 4-24-89 (p1814)

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 522

3898

1 Amend the Senate amendment, H-4046, to House File  
2 522, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 31 through 44, and  
5 inserting the following:

6 "Sec. 4. NEW SECTION. 69.14A FILLING VACANCY OF  
7 ELECTED COUNTY OFFICER.

8 1. When a vacancy exists on the board of  
9 supervisors, the committee of county officers  
10 designated to fill the vacancy shall publish notice as  
11 provided in section 331.305 indicating the method,  
12 appointment or special election, by which the  
13 committee intends to fill the vacancy. If appointment  
14 is selected by the committee, the appointment may be  
15 made before publication of the notice, but the  
16 appointment shall be made within forty days after the  
17 vacancy occurs. However, if within fourteen days  
18 after the date of the notice or within fourteen days  
19 after the appointment is made, whichever date is  
20 later, a petition requesting a special election to  
21 fill the vacancy is filed with the county auditor, the  
22 appointment is temporary and a special election shall  
23 be called as provided in subsection 3. The petition  
24 shall meet the requirements of section 331.306.

25 2. When a vacancy exists in an elected county  
26 office, the board of supervisors shall publish notice  
27 as provided in section 331.305 indicating the method,  
28 appointment or special election, by which the board  
29 intends to fill the vacancy. If appointment is  
30 selected by the board, the appointment may be made  
31 before publication of the notice, but the appointment  
32 shall be made within forty days after the vacancy  
33 occurs. However, if within fourteen days after the  
34 date of the notice or within fourteen days after the  
35 appointment is made, whichever date is later, a  
36 petition requesting a special election to fill the  
37 vacancy is filed with the county auditor, the  
38 appointment is temporary and a special election shall  
39 be called as provided in subsection 3. The petition  
40 shall meet the requirements of section 331.306.

41 3. The committee of county officers or board of  
42 supervisors as applicable may, on its own motion, or  
43 shall, upon receipt of a petition as provided in this  
44 section, call for a special election to fill the  
45 vacancy in lieu of appointment if section 69.13,  
46 subsection 2, does not apply. The committee or board  
47 shall order the special election at the earliest  
48 practicable date, but giving at least thirty days'  
49 notice of the election. A special election called  
50 under this section shall be held on a Tuesday and

S-3898

Page 2

1 shall not be held on the same day as a school election  
2 within the county."

RECEIVED FROM THE HOUSE

S-3898 FILED APRIL 25, 1989

*Venate Concurred 4-25-89 (p. 1671)*



## HOUSE FILE 522

## AN ACT

RELATING TO THE FILLING OF A VACANCY ON THE COUNTY BOARD OF SUPERVISORS OR IN THE ELECTED COUNTY OFFICES.

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

Section 1. Section 43.78, subsection 4, Code 1989, is amended to read as follows:

4. Political party candidates for a vacant seat in the United States house of representatives, the board of supervisors, the elected county offices, or the general assembly which is to be filled at a special election called pursuant to section 69.14 or 69.14A shall be nominated in the manner provided by subsection 1 of this section for filling a vacancy on the general election ballot for the same office. The name of any candidate so nominated shall be submitted in writing to the state commissioner, as required by section 43.88, at the earliest practicable time.

Sec. 2. Section 69.8, subsection 3, Code 1989, is amended to read as follows:

3. COUNTY OFFICES. In county offices, by the board of supervisors, unless an election is called as provided in section 69.14A.

Sec. 3. Section 69.8, subsection 4, Code 1989, is amended to read as follows:

4. BOARD OF SUPERVISORS. In the membership of the board of supervisors, by the treasurer, auditor, and recorder, or as provided in section 69.14A. ~~in-the-event-that~~ If any of these offices have been abolished through consolidation, the county attorney shall serve on this committee.

Sec. 4. NEW SECTION. 69.14A FILLING VACANCY OF ELECTED COUNTY OFFICER.

1. When a vacancy exists on the board of supervisors, the committee of county officers designated to fill the vacancy shall publish notice as provided in section 331.305 indicating the method, appointment or special election, by which the committee intends to fill the vacancy. If appointment is selected by the committee, the appointment may be made before publication of the notice, but the appointment shall be made within forty days after the vacancy occurs. However, if within fourteen days after the date of the notice or within fourteen days after the appointment is made, whichever date is later, a petition requesting a special election to fill the vacancy is filed with the county auditor, the appointment is temporary and a special election shall be called as provided in subsection 3. The petition shall meet the requirements of section 331.306.

2. When a vacancy exists in an elected county office, the board of supervisors shall publish notice as provided in section 331.305 indicating the method, appointment or special election, by which the board intends to fill the vacancy. If appointment is selected by the board, the appointment may be made before publication of the notice, but the appointment shall be made within forty days after the vacancy occurs. However, if within fourteen days after the date of the notice or within fourteen days after the appointment is made, whichever date is later, a petition requesting a special election to fill the vacancy is filed with the county auditor, the appointment is temporary and a special election shall be called as provided in subsection 3. The petition shall meet the requirements of section 331.306.

3. The committee of county officers or board of supervisors as applicable may, on its own motion, or shall, upon receipt of a petition as provided in this section, call for a special election to fill the vacancy in lieu of appointment if section 69.13, subsection 2, does not apply. The committee or board shall order the special election at the

earliest practicable date, but giving at least thirty days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county.

Sec. 5. Section 331.322, subsection 3, Code 1989, is amended to read as follows:

3. Fill vacancies in county offices in accordance with sections 69.8 to ~~69-13~~ 69.14A, and make appointments in accordance with section 69.16 unless a special election is called pursuant to section 69.14A.

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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 522, Seventy-third General Assembly.

---

JOSEPH O'HERN  
Chief Clerk of the House

Approved May 24, 1989

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TERRY E. BRANSTAD  
Governor