

Reprinted

FEB 27 1991

HOUSE FILE 2304

LOCAL GOVERNMENT  
*Dr. 2304*

BY HALVORSON of Webster, CONNORS,  
and HANSON of Delaware

Passed House, Date 3/10/92 (p.521) Passed Senate, Date 3/3/92 (P.1117)  
Vote: Ayes 98 Nays 0 Vote: Ayes 49 Nays 0  
Approved April 13, 1992

A BILL FOR

1 An Act relating to the procedure for filling vacancies that occur  
2 in county offices.

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

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HF 2304

1 Section 1. Section 69.13, subsection 2, Code Supplement  
2 1991, is amended by striking the subsection.

3 Sec. 2. Section 69.14A, Code 1991, is amended by striking  
4 the section and inserting in lieu thereof the following:

5 69.14A FILLING VACANCY OF ELECTED COUNTY OFFICER.

6 1. A vacancy on the board of supervisors shall be filled  
7 by one of the two following procedures:

8 a. By appointment by the committee of county officers  
9 designated to fill the vacancy in section 69.8. The  
10 appointment shall be for the period until the next pending  
11 election as defined in section 69.12, and shall be made within  
12 forty days after the vacancy occurs. If the committee of  
13 county officers designated to fill the vacancy chooses to  
14 proceed under this paragraph, the committee shall publish  
15 notice in the manner prescribed by section 331.305 stating  
16 that the committee intends to fill the vacancy by appointment  
17 but that the electors of the district or county, as the case  
18 may be, have the right to file a petition requiring that the  
19 vacancy be filled by special election. The committee may  
20 publish notice in advance if an elected official submits a  
21 resignation to take effect at a future date. The committee  
22 may make an appointment to fill the vacancy after the notice  
23 is published or after the vacancy occurs, whichever is later.  
24 However, if within fourteen days after publication of the  
25 notice or within fourteen days after the appointment is made,  
26 whichever is later, a petition is filed with the county  
27 auditor requesting a special election to fill the vacancy, the  
28 appointment is temporary and a special election shall be  
29 called as provided in paragraph "b". The petition shall meet  
30 the requirements of section 331.306.

31 b. By special election held to fill the office for the  
32 remaining balance of the unexpired term. The committee of  
33 county officers designated to fill the vacancy in section 69.8  
34 may, on its own motion, or shall, upon receipt of a petition  
35 as provided in paragraph "a", call for a special election to

1 fill the vacancy in lieu of appointment. The committee shall  
2 order the special election at the earliest practicable date,  
3 but giving at least thirty days' notice of the election. A  
4 special election called under this section shall be held on a  
5 Tuesday and shall not be held on the same day as a school  
6 election within the county.

7 2. A vacancy in any of the offices listed in section 39.17  
8 shall be filled by one of the two following procedures:

9 a. By appointment by the board of supervisors. The  
10 appointment shall be for the period until the next pending  
11 election as defined in section 69.12, and shall be made within  
12 forty days after the vacancy occurs. If the board of  
13 supervisors chooses to proceed under this paragraph, the board  
14 shall publish notice in the manner prescribed by section  
15 331.305 stating that the board intends to fill the vacancy by  
16 appointment but that the electors of the county have the right  
17 to file a petition requiring that the vacancy be filled by  
18 special election. The board may publish notice in advance if  
19 an elected official submits a resignation to take effect at a  
20 future date. The board may make an appointment to fill the  
21 vacancy after the notice is published or after the vacancy  
22 occurs, whichever is later. However, if within fourteen days  
23 after publication of the notice or within fourteen days after  
24 the appointment is made, whichever is later, a petition is  
25 filed with the county auditor requesting a special election to  
26 fill the vacancy, the appointment is temporary and a special  
27 election shall be called as provided in paragraph "b". The  
28 petition shall meet the requirements of section 331.306.

29 b. By special election held to fill the office for the  
30 remaining balance of the unexpired term. The board of  
31 supervisors may, on its own motion, or shall, upon receipt of  
32 a petition as provided in paragraph "a", call for a special  
33 election to fill the vacancy in lieu of appointment. The  
34 committee shall order the special election at the earliest  
35 practicable date, but giving at least thirty days' notice of

1 the election. A special election called under this section  
2 shall be held on a Tuesday and shall not be held on the same  
3 day as a school election within the county.

4 EXPLANATION

5 This bill provides a procedure similar to the vacancy  
6 procedure used in cities for the filling of vacancies in  
7 county offices. If the vacancy is for a county board of  
8 supervisors member, a committee of the other county officers,  
9 and if the vacancy is for one of the other county officers,  
10 the county board of supervisors, may make an appointment to  
11 fill the vacancy until the next pending election. The body  
12 making the appointment must publish notice about the  
13 appointment and must state that the electors of the district,  
14 or county, may file a petition requiring that the vacancy be  
15 filled by special election. If a petition is filed, the  
16 appointing body must call a special election at the earliest  
17 practicable date, but giving at least 30 days' notice of the  
18 election. The appointing body may, on its own motion, call  
19 for a special election to fill the vacancy.

20 The bill may include a state mandate as defined in section  
21 25B.3.

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HOUSE FILE 2304  
FISCAL NOTE

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A fiscal note for House File 2304 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 2304 provides a procedure similar to the vacancy procedure used in cities for the filling of vacancies in county offices. If the vacancy is for a county board of supervisors member, a committee of the other county officers, and if the vacancy is for one of the other county officers, the county board of supervisors, may make an appointment to fill the vacancy until the next pending election. The body making the appointment must publish notice about the appointment and must state that the electors of the district, or county, may file a petition requiring that the vacancy be filled by special election.

Fiscal Effect:

This bill has no significant fiscal impact upon the General Fund.

(LSB 5741hh, JKH)

FILED MARCH 4, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

See Final Act. 3/13/92, No Pass 3/26

HOUSE FILE 2304

BY HALVORSON of Webster, CONNORS,  
and HANSON of Delaware

(As Amended and Passed by the House March 10, 1992)

Passed House, Date 3/10/92 (p. 521) Passed Senate, Date 3/31/92 (p. 1117)  
Vote: Ayes 98 Nays 0 Vote: Ayes 49 Nays 0  
Approved April 13, 1992 (p. 133)

**A BILL FOR**

1 An Act relating to the procedure for filling vacancies that occur  
2 in county offices.

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

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

1 Section 1. Section 69.13, subsection 2, Code Supplement  
2 1991, is amended by striking the subsection.

3 Sec. 2. Section 69.14A, Code 1991, is amended by striking  
4 the section and inserting in lieu thereof the following:

5 69.14A FILLING VACANCY OF ELECTED COUNTY OFFICER.

6 1. A vacancy on the board of supervisors shall be filled  
7 by one of the two following procedures:

8 a. By appointment by the committee of county officers  
9 designated to fill the vacancy in section 69.8. The  
10 appointment shall be for the period until the next pending  
11 election as defined in section 69.12, and shall be made within  
12 forty days after the vacancy occurs. If the committee of  
13 county officers designated to fill the vacancy chooses to  
14 proceed under this paragraph, the committee shall publish  
15 notice in the manner prescribed by section 331.305 stating  
16 that the committee intends to fill the vacancy by appointment  
17 but that the electors of the district or county, as the case  
18 may be, have the right to file a petition requiring that the  
19 vacancy be filled by special election. The committee may  
20 publish notice in advance if an elected official submits a  
21 resignation to take effect at a future date. The committee  
22 may make an appointment to fill the vacancy after the notice  
23 is published or after the vacancy occurs, whichever is later.  
24 A person appointed to an office under this subsection shall  
25 have actually resided in the county which the appointee  
26 represents sixty days prior to appointment.

27 However, if within fourteen days after publication of the  
28 notice or within fourteen days after the appointment is made,  
29 whichever is later, a petition is filed with the county  
30 auditor requesting a special election to fill the vacancy, the  
31 appointment is temporary and a special election shall be  
32 called as provided in paragraph "b". The petition shall meet  
33 the requirements of section 331.306.

34 b. By special election held to fill the office for the  
35 remaining balance of the unexpired term. The committee of

1 county officers designated to fill the vacancy in section 69.8  
2 may, on its own motion, or shall, upon receipt of a petition  
3 as provided in paragraph "a", call for a special election to  
4 fill the vacancy in lieu of appointment. The committee shall  
5 order the special election at the earliest practicable date,  
6 but giving at least thirty days' notice of the election. A  
7 special election called under this section shall be held on a  
8 Tuesday and shall not be held on the same day as a school  
9 election within the county.

10 2. A vacancy in any of the offices listed in section 39.17  
11 shall be filled by one of the two following procedures:

12 a. By appointment by the board of supervisors. The  
13 appointment shall be for the period until the next pending  
14 election as defined in section 69.12, and shall be made within  
15 forty days after the vacancy occurs. If the board of  
16 supervisors chooses to proceed under this paragraph, the board  
17 shall publish notice in the manner prescribed by section  
18 331.305 stating that the board intends to fill the vacancy by  
19 appointment but that the electors of the county have the right  
20 to file a petition requiring that the vacancy be filled by  
21 special election. The board may publish notice in advance if  
22 an elected official submits a resignation to take effect at a  
23 future date. The board may make an appointment to fill the  
24 vacancy after the notice is published or after the vacancy  
25 occurs, whichever is later. A person appointed to an office  
26 under this subsection shall have actually resided in the  
27 county which the appointee represents sixty days prior to  
28 appointment.

29 However, if within fourteen days after publication of the  
30 notice or within fourteen days after the appointment is made,  
31 whichever is later, a petition is filed with the county  
32 auditor requesting a special election to fill the vacancy, the  
33 appointment is temporary and a special election shall be  
34 called as provided in paragraph "b". The petition shall meet  
35 the requirements of section 331.306.



1     b. By special election held to fill the office for the  
2 remaining balance of the unexpired term. The board of  
3 supervisors may, on its own motion, or shall, upon receipt of  
4 a petition as provided in paragraph "a", call for a special  
5 election to fill the vacancy in lieu of appointment. The  
6 committee shall order the special election at the earliest  
7 practicable date, but giving at least thirty days' notice of  
8 the election. A special election called under this section  
9 shall be held on a Tuesday and shall not be held on the same  
10 day as a school election within the county.

11     3. Notwithstanding subsection 2, in the event of a vacancy  
12 for which no eligible candidate residing in the county comes  
13 forward for appointment, a county board of supervisors may  
14 employ a person to perform the duties of the office for at  
15 least sixty days but no more than ninety days. After ninety  
16 days, the board shall proceed under subsection 2.

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## HOUSE FILE 2304

H-5213

1 Amend House File 2304 as follows:

2 1. Page 1, line 24, by striking the word  
3 "However" and inserting the following: "A person  
4 appointed to an office under this subsection shall  
5 have actually resided in the county which the  
6 appointee represents sixty days prior to appointment.  
7 However".

8 2. Page 2, line 22, by striking the word  
9 "However" and inserting the following: "A person  
10 appointed to an office under this subsection shall  
11 have actually resided in the county which the  
12 appointee represents sixty days prior to appointment.  
13 However".

14 3. Page 3, by inserting after line 3 the  
15 following:

16 "3. Notwithstanding subsection 2, in the event of  
17 a vacancy for which no eligible candidate residing in  
18 the county comes forward for appointment, a county  
19 board of supervisors may employ a person to perform  
20 the duties of the office for at least sixty days but  
21 no more than ninety days. After ninety days, the  
22 board shall proceed under subsection 2."

By HALVORSON of Webster

SHEARER of Louisa

SCHRADER of Marion

HANSON of Delaware

H-5213 FILED MARCH 9, 1992

*adopted 3/10 (p 521)*

HOUSE FILE 2304

AN ACT

RELATING TO THE PROCEDURE FOR FILLING VACANCIES THAT OCCUR  
IN COUNTY OFFICES.

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

Section 1. Section 69.13, subsection 2, Code Supplement 1991, is amended by striking the subsection.

Sec. 2. Section 69.14A, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

69.14A FILLING VACANCY OF ELECTED COUNTY OFFICER.

1. A vacancy on the board of supervisors shall be filled by one of the two following procedures:

a. By appointment by the committee of county officers designated to fill the vacancy in section 69.8. 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 committee of county officers designated to fill the vacancy chooses to

proceed under this paragraph, the committee shall publish notice in the manner prescribed by section 331.305 stating that the committee intends to fill the vacancy by appointment but that the electors of the district or county, as the case may be, have the right to file a petition requiring that the vacancy be filled by special election. The committee may publish notice in advance if an elected official submits a resignation to take effect at a future date. The committee may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection shall have actually resided in the county which the appointee represents sixty days prior to appointment.

However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, whichever is later, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306.

b. By special election held to fill the office for the remaining balance of the unexpired term. The committee of county officers designated to fill the vacancy in section 69.8 may, on its own motion, or shall, upon receipt of a petition as provided in paragraph "a", call for a special election to fill the vacancy in lieu of appointment. The committee 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.

2. A vacancy in any of the offices listed in section 39.17 shall be filled by one of the two following procedures:

a. By appointment by the board of supervisors. 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 board of supervisors chooses to proceed under this paragraph, the board shall publish notice in the manner prescribed by section 331.305 stating that the board intends to fill the vacancy by appointment but that the electors of the county have the right to file a petition requiring that the vacancy be filled by special election. The board may publish notice in advance if an elected official submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection shall have actually resided in the county which the appointee represents sixty days prior to appointment.

However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, whichever is later, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306.

b. By special election held to fill the office for the remaining balance of the unexpired term. The board of supervisors may, on its own motion, or shall, upon receipt of a petition as provided in paragraph "a", call for a special election to fill the vacancy in lieu of appointment. The committee 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.

3. Notwithstanding subsection 2, in the event of a vacancy for which no eligible candidate residing in the county comes forward for appointment, a county board of supervisors may

employ a person to perform the duties of the office for at least sixty days but no more than ninety days. After ninety days, the board shall proceed under subsection 2.

\_\_\_\_\_  
ROBERT C. ARNOULD  
Speaker of the House

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MICHAEL E. CRONSTAL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2304, Seventy-fourth General Assembly.

\_\_\_\_\_  
JOSEPH O'HERN  
Chief Clerk of the House

Approved Sept 13, 1992

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TERRY E. BRANSTAD  
Governor