

JAN 19 1996
STATE GOVERNMENT

HOUSE FILE 2082
BY DINKLA

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the method of filling vacancies for elective
2 county offices.

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

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HF 2082

1 Section 1. Section 69.14A, subsection 1, paragraph a, Code
2 1995, is amended to read as follows:

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

22 ~~However, if within fourteen days after publication of the~~
23 ~~notice or within fourteen days after the appointment is made,~~
24 ~~whichever is later, a petition is filed with the county~~
25 ~~auditor requesting a special election to fill the vacancy, the~~
26 ~~appointment is temporary and a special election shall be~~
27 ~~called as provided in paragraph "b".--The petition shall meet~~
28 ~~the requirements of section 331.306, except that in counties~~
29 ~~where supervisors are elected under plan "three", the number~~
30 ~~of signatures calculated according to the formula in section~~
31 ~~331.306 shall be divided by the number of supervisor districts~~
32 ~~in the county.~~

33 Sec. 2. Section 69.14A, subsection 1, paragraph b,
34 unnumbered paragraphs 1 and 2, Code 1995, are amended to read
35 as follows:

1 an elected official submits a resignation to take effect at a
2 future date. The board may make an appointment to fill the
3 vacancy after the notice is published or after the vacancy
4 occurs, whichever is later. A person appointed to an office
5 under this subsection shall have actually resided in the
6 county which the appointee represents sixty days prior to
7 appointment.

8 ~~However, if within fourteen days after publication of the~~
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10 ~~whichever is later, a petition is filed with the county~~
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12 ~~appointment is temporary and a special election shall be~~
13 ~~called as provided in paragraph "b". The petition shall meet~~
14 ~~the requirements of section 331.306.~~

15 Sec. 4. Section 69.14A, subsection 2, paragraph b,
16 unnumbered paragraphs 1 and 2, Code 1995, are amended to read
17 as follows:

18 By special election held to fill the office for the
19 remaining balance of the unexpired term. The board of
20 supervisors may, on its own motion, ~~or shall, upon receipt of~~
21 ~~a petition as provided in paragraph "a",~~ call for a special
22 election to fill the vacancy in lieu of appointment. The
23 committee shall order the special election at the earliest
24 practicable date, but giving at least thirty days' notice of
25 the election. A special election called under this section
26 shall be held on a Tuesday and shall not be held on the same
27 day as a school election within the county.

28 If a vacancy in an elective county office occurs after the
29 date of the primary election and more than seventy-three days
30 before the general election, a special election to fill the
31 vacancy shall not be called by the board of supervisors ~~or by~~
32 ~~petition.~~ If the term of office in which the vacancy exists
33 will expire more than seventy days after the general election,
34 the office shall be listed on the ballot with the name of the
35 office and the additional description, "To Fill Vacancy". The

1 person elected at the general election shall assume office as
2 soon as a certificate of election is issued and the person has
3 qualified by taking the oath of office. The person shall
4 serve the balance of the unexpired term.

5 EXPLANATION

6 Iowa Code section 69.14A provides that a vacancy in an
7 elective county office may be filled either by appointment or
8 by special election. If the method chosen is by appointment,
9 a special election may still be called if a petition is filed
10 within 14 days of the notice of appointment. This bill
11 strikes the provisions which allow a special election by
12 petition when appointment has been chosen as the method of
13 filling the vacancy.

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