

MAR 8 1995

STATE GOVERNMENT

HOUSE FILE 282
BY BRUNKHORST

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

A BILL FOR

1 An Act relating to candidates for elective state office.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 282

1 Section 1. Section 43.20, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. A person shall not be a candidate for
4 an elective state office to be filled at the primary election
5 if, on the final date upon which nomination papers may be
6 filed for that office, the person is serving a term for
7 another elective state office. A person who files nomination
8 papers for an elective state office while holding another
9 elective state office shall file with the state commissioner
10 of elections a written notice of resignation effective
11 February 1 of the year in which the primary election is to be
12 held. The notice of resignation shall be filed with the state
13 commissioner no later than five p.m. on the final date upon
14 which nomination papers for the primary election may be filed
15 with the state commissioner. If the required notice is not
16 filed, the candidate's name shall not be certified by the
17 state commissioner for the elective state office for which
18 nomination papers are filed with the state commissioner and
19 the county commissioner of elections shall not include the
20 candidate's name on the ballot for that office in any county.
21 For the purpose of this subsection, "elective state office"
22 means the office of governor, lieutenant governor, secretary
23 of state, treasurer of state, secretary of agriculture,
24 attorney general, state representative, or state senator.

25 Sec. 2. Section 49.41, Code 1995, is amended to read as
26 follows:

27 49.41 MORE THAN ONE OFFICE PROHIBITED.

28 1. a. A person shall not be a candidate for more than one
29 office to be filled at the same election. A person who has
30 been nominated for more than one office shall file a written
31 notice declaring the office for which the person wishes to
32 appear on the ballot.

33 b. If the nomination papers for all offices for which the
34 candidate has been nominated are required to be filed with the
35 same commissioner of elections, the candidate shall file a

1 written notice with that commissioner no later than five p.m.
2 on the final date upon which nomination papers may be filed
3 for the election. The notice shall state the office for which
4 the person wishes to appear on the ballot. If the required
5 notice is not filed, the candidate's name shall not be
6 certified by the state commissioner for any office for which
7 nomination papers are filed with the state commissioner and
8 the county commissioner of elections shall not include the
9 candidate's name on the ballot for any office in any county.

10 c. If a person is a candidate for one or more offices for
11 which nomination papers are required to be filed with the
12 state commissioner and one or more offices for which
13 nomination papers are required to be filed with the county
14 commissioner, the candidate shall notify the state
15 commissioner and the county commissioner in writing. The
16 notice shall state the office for which the person chooses to
17 remain a candidate. The notice shall be filed no later than
18 the last day to file nomination papers with the commissioner.
19 If the required notice is not filed, the candidate's name
20 shall not appear on the ballot for any office in any county.

21 d. If necessary, the county commissioner shall certify to
22 the state commissioner the name of any person who is a
23 candidate for more than one office which will appear on the
24 ballot for the election. The certification of dual candidacy
25 shall be made no later than five p.m. on the day following the
26 final day to file nomination papers in the office of the
27 commissioner.

28 e. When the state commissioner receives notice from the
29 county commissioner that a candidate for a state or federal
30 office has also been nominated for a county or township
31 office, the state commissioner shall amend the certificate
32 issued pursuant to section 43.73 and notify the commissioners
33 of any other counties to whom the candidate's name was
34 originally certified and instruct them to remove the
35 candidate's name from the ballot in those counties.

1 2. A person shall not be a candidate for an elective state
2 office if, on the final date upon which nomination papers may
3 be filed for that office at the general election, the person
4 is serving a term for another elective state office. A person
5 who has been nominated for an elective state office while
6 holding another elective state office shall file with the
7 state commissioner of elections a written notice of
8 resignation effective February 1 of the year in which the
9 general election is to be held. The notice of resignation
10 shall be filed with the state commissioner no later than five
11 p.m. on the final date upon which nomination papers may be
12 filed with the state commissioner. If the required notice is
13 not filed, the candidate's name shall not be certified by the
14 state commissioner for the elective state office for which
15 nomination papers are filed with the state commissioner and
16 the county commissioner of elections shall not include the
17 candidate's name on the ballot for that office in any county.
18 For the purpose of this subsection, "elective state office"
19 means the office of governor, lieutenant governor, secretary
20 of state, treasurer of state, secretary of agriculture,
21 attorney general, state representative, or state senator.

22 3. This section does not apply to the following public
23 offices: county agricultural extension council, soil and
24 water conservation district commission, or regional library
25 board of trustees.

26 EXPLANATION

27 This bill prohibits a person currently holding elective
28 state office from appearing on the primary or general election
29 ballot as a candidate for another elective state office
30 without first filing with the state commissioner of elections
31 (secretary of state) a written notice of resignation,
32 effective February 1 of the year in which the primary or
33 general election is held. Elective state office includes the
34 office of governor, lieutenant governor, secretary of state,
35 auditor of state, treasurer of state, secretary of

1 agriculture, attorney general, state representative, or state
2 senator.

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