

MAR 9 1995

STATE GOVERNMENT

HOUSE FILE 323

BY KREIMAN

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to publishing notice of write-in candidates for
2 certain nonpartisan offices and special charter city offices,
3 and providing for a filing deadline and a disqualification of
4 votes cast.

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

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HF 323

1 Section 1. Section 69.12, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. Write-in votes cast in an election
4 held pursuant to this section to fill a city office, including
5 a special charter city office, or a nonpartisan office shall
6 not be canvassed unless a notice of the write-in candidacy was
7 published in the applicable official newspaper in the district
8 in which the office is to be filled no later than seven days
9 before the special election, and an affidavit of publication
10 was filed with the county commissioner of elections no later
11 than four days before the date of the special election. The
12 notice may be published, and the affidavit filed, by a person
13 other than the write-in candidate. This subsection shall not
14 apply in a district where the number of candidates on the
15 ballot for a nonpartisan or special charter city office is
16 fewer than the number of vacancies to be filled for that
17 office.

18 Sec. 2. Section 161A.5, subsection 3, Code 1995, is
19 amended by adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. Write-in votes cast in an
21 election to fill the office of commissioner shall not be
22 canvassed unless a notice of the write-in candidacy was
23 published in each official county newspaper in the district in
24 which the office is to be filled no later than seven days
25 before the election, and an affidavit of publication was filed
26 with the county commissioner of elections no later than four
27 days before the date of the election. The notice may be
28 published, and the affidavit filed, by a person other than the
29 write-in candidate. This paragraph shall not apply in a
30 district where the number of candidates on the ballot for the
31 office of commissioner is fewer than the number of vacancies
32 to be filled for that office.

33 Sec. 3. Section 176A.8, subsection 5, Code 1995, is
34 amended by adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Write-in votes cast in an

1 election to fill an office pursuant to this subsection shall
2 not be canvassed unless a notice of the write-in candidacy was
3 published in each official county newspaper in the district in
4 which the office is to be filled no later than seven days
5 before the special election, and an affidavit of publication
6 was filed with the county commissioner of elections no later
7 than four days before the date of the election. The notice
8 may be published, and the affidavit filed, by a person other
9 than the write-in candidate. This paragraph shall not apply
10 in a district where the number of candidates on the ballot for
11 the office of county agricultural extension council is fewer
12 than the number of vacancies to be filled for that office.

13 Sec. 4. Section 230A.5, Code 1995, is amended by adding
14 the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. Write-in votes cast in an
16 election to fill the office of community health center trustee
17 shall not be canvassed unless a notice of the write-in
18 candidacy was published in each official county newspaper in
19 the district in which the office is to be filled no later than
20 seven days before the election, and an affidavit of
21 publication was filed with the county commissioner of
22 elections no later than four days before the date of the
23 election. The notice may be published, and the affidavit
24 filed, by a person other than the write-in candidate. This
25 paragraph shall not apply in a district where the number of
26 candidates on the ballot for the office of community health
27 center trustee is fewer than the number of vacancies to be
28 filled for that office.

29 Sec. 5. Section 256.63, Code 1995, is amended by adding
30 the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. Write-in votes cast in an
32 election to fill the office of regional library board trustee
33 shall not be canvassed unless a notice of the write-in
34 candidacy was published in each official county newspaper in
35 the district in which the office is to be filled no later than

1 seven days before the election, and an affidavit of
2 publication was filed with the county commissioner of
3 elections no later than four days before the date of the
4 election. The notice may be published, and the affidavit
5 filed, by a person other than the write-in candidate. This
6 paragraph shall not apply in a district where the number of
7 candidates on the ballot for the office of regional library
8 board trustee is fewer than the number of vacancies to be
9 filled for that office.

10 Sec. 6. NEW SECTION. 277.4A WRITE-IN CANDIDATES.

11 Write-in votes cast in a school district board election
12 shall not be canvassed unless a notice of the write-in
13 candidacy was published in at least one newspaper published in
14 the district or, if there is none, in at least one newspaper
15 having general circulation within the district in which the
16 office is to be filled no later than seven days before the
17 election, and an affidavit of publication was filed with the
18 county commissioner of elections no later than four days
19 before the date of the election. The notice may be published,
20 and the affidavit filed, by a person other than the write-in
21 candidate. This section shall not apply in a district where
22 the number of candidates on the ballot for the office of
23 school district board member is fewer than the number of
24 vacancies to be filled for that office.

25 Sec. 7. Section 347.25, Code 1995, is amended by adding
26 the following new unnumbered paragraph after unnumbered
27 paragraph 1:

28 NEW UNNUMBERED PARAGRAPH. Write-in votes cast in an
29 election to fill the office of hospital trustee shall not be
30 canvassed unless a notice of the write-in candidacy was
31 published in each official county newspaper in the district in
32 which the office is to be filled no later than seven days
33 before the election, and an affidavit of publication was filed
34 with the county commissioner of elections no later than four
35 days before the date of the election. The notice may be

1 published, and the affidavit filed, by a person other than the
2 write-in candidate. This paragraph shall not apply in a
3 district where the number of candidates on the ballot for the
4 office of hospital trustee is fewer than the number of
5 vacancies to be filled for that office.

6 Sec. 8. Section 376.11, unnumbered paragraph 1, Code 1995,
7 is amended to read as follows:

8 Write-in votes are permitted to be cast in all elections
9 for city offices. A person who receives a sufficient number
10 of write-in votes to be elected to a city office shall be
11 declared the winner of the election. If a person who was
12 elected by write-in votes chooses not to serve in that office
13 the person shall submit a resignation in writing to the city
14 clerk not later than five o'clock p.m. on the day following
15 the canvass of the election. If a person who was elected by
16 write-in votes resigns at a later time, the office shall be
17 considered vacant at the end of the term and the council shall
18 fill the vacancy pursuant to the provisions of section 372.13,
19 subsection 2. However, write-in votes cast in an election to
20 fill a city office, including a special charter city office,
21 shall not be canvassed unless a notice of the write-in
22 candidacy was published in each official city newspaper in the
23 city in which the office is to be filled no later than seven
24 days before the election, and an affidavit of publication was
25 filed with the county commissioner of elections no later than
26 four days before the date of the election. The notice may be
27 published, and the affidavit filed, by a person other than the
28 write-in candidate. This publication and filing requirement
29 shall not apply in a district where the number of candidates
30 on the ballot for a city office is fewer than the number of
31 vacancies to be filled for that office.

32 Sec. 9. Section 420.137, Code 1995, is amended by adding
33 the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. Write-in votes cast in an
35 election to fill a city office shall not be canvassed unless a

1 notice of the write-in candidacy was published in each
2 official city newspaper in the city in which the office is to
3 be filled no later than seven days before the election, and an
4 affidavit of publication was filed with the county
5 commissioner of elections no later than four days before the
6 date of the election. The notice may be published, and the
7 affidavit filed, by a person other than the write-in
8 candidate. This paragraph shall not apply in a district where
9 the number of candidates on the ballot for a city office is
10 fewer than the number of vacancies to be filled for that
11 office.

12 EXPLANATION

13 This bill requires that write-in votes cast to fill a
14 nonpartisan office or a city office, including a special
15 charter city, are not to be canvassed unless a notice of the
16 write-in candidacy was published in each official county
17 newspaper in the district in which the office is to be filled
18 no later than seven days before the election, and an affidavit
19 of publication was filed with the county commissioner of
20 elections no more than four days before the election. The
21 notice may be published, and the affidavit filed, by a person
22 other than the write-in candidate. The publication and filing
23 requirements do not apply in districts where the number of
24 candidates on the ballot for a nonpartisan or city office is
25 fewer than the number of vacancies to be filled.

26 The nonpartisan offices affected by this requirement are
27 regional library boards of trustees, public hospital boards of
28 trustees, soil and water conservation district commissioners,
29 county agricultural extension councils, community mental
30 health center boards of trustees, all city offices, and school
31 district boards of directors.

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