

FILED FEB 28 1995

SENATE FILE 220  
BY HAMMOND, SORENSEN,  
and ZIEMAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the method of selection of township clerks and  
2 trustees and providing transition provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 notarized, and filed with the county auditor or the secretary  
2 of state, whichever is applicable.

3 Sec. 3. Section 49.41, unnumbered paragraph 5, Code 1995,  
4 is amended to read as follows:

5 When the state commissioner receives notice from the county  
6 commissioner that a candidate for a state or federal office  
7 has also been nominated for a county ~~or~~-township office, the  
8 state commissioner shall amend the certificate issued pursuant  
9 to section 43.73 and notify the commissioners of any other  
10 counties to whom the candidate's name was originally certified  
11 and instruct them to remove the candidate's name from the  
12 ballot in those counties.

13 Sec. 4. Section 50.7, Code 1995, is amended to read as  
14 follows:

15 50.7 ERROR ON COUNTY OFFICE----~~TOWNSHIP~~ OR OTHER LOCAL  
16 OFFICE.

17 If, in case of such excess, the vote of the precinct where  
18 the error occurred would change the result as to a county  
19 office if the person appearing to be elected were deprived of  
20 so many votes, then the election shall be set aside as to that  
21 person in that precinct, and a new election ordered therein in  
22 that precinct; but no person who was not a registered voter in  
23 that precinct at the time of the general election shall be  
24 allowed to vote at ~~such~~ the special election. If the error  
25 occurs in relation to an office of a city, school district,  
26 ~~township~~, or of any special district whose elections may be  
27 conducted under this chapter, the governing body of the  
28 political subdivision involved may order a new election or  
29 not, in ~~their~~ its discretion.

30 Sec. 5. Section 56.6, subsection 3, paragraph b,  
31 subparagraph (1), Code 1995, is amended to read as follows:

32 (1) For any candidate for school ~~or~~-township office .. \$ 25

33 Sec. 6. Section 69.8, subsection 5, Code 1995, is amended  
34 by striking the subsection and inserting in lieu thereof of the  
35 following:

1 5. When a vacancy occurs in the office of township clerk  
2 or township trustee, the vacancy shall be filled by appoint-  
3 ment by the board of supervisors of the county in which the  
4 township is located.

5 Sec. 7. Section 331.238, subsection 2, paragraph h, Code  
6 1995, is amended to read as follows:

7 h. In lieu of the ~~election~~-or appointment of township  
8 trustees, a method providing for the exercise of their powers  
9 and duties by the board of supervisors or other governing body  
10 of the county or another office.

11 Sec. 8. Section 359.11, Code 1995, is amended by striking  
12 the section and inserting in lieu thereof the following:

13 359.11 OFFICERS TO BE APPOINTED.

14 The township trustees and the township clerk shall be  
15 appointed by the board of supervisors of the county in which  
16 the township is located. The township trustees shall be  
17 appointed for overlapping terms of four years. The township  
18 clerk shall be appointed to a term of four years. If a  
19 vacancy occurs, a successor shall be appointed to serve the  
20 remainder of the unexpired term.

21 Sec. 9. TRANSITION. Township trustees and township clerks  
22 who are serving unexpired terms of office immediately before  
23 the effective date of this Act may continue to serve their un-  
24 expired terms. Successors shall be appointed by the board of  
25 supervisors of the county in which the township is located as  
26 provided in this Act. Incumbent township trustees and clerks  
27 are eligible for appointment or reappointment to the office of  
28 trustee or clerk.

29 Sec. 10. Sections 39.22, 43.21, 359.10, 359.12, and  
30 359.13, Code 1995, are repealed.

31 EXPLANATION

32 This bill provides for the appointment of township trustees  
33 and township clerks by the board of supervisors of the county  
34 in which the township is located. Currently, the township  
35 electorate, by referendum, may authorize the board of

1 supervisors to appoint the trustees and clerk. However, if  
2 the appointing power is not granted, the trustees and clerk  
3 are elected for four-year terms. If the bill is enacted,  
4 incumbent trustees and clerks may continue to serve their  
5 unexpired terms.

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